



3 0000 076 778 749

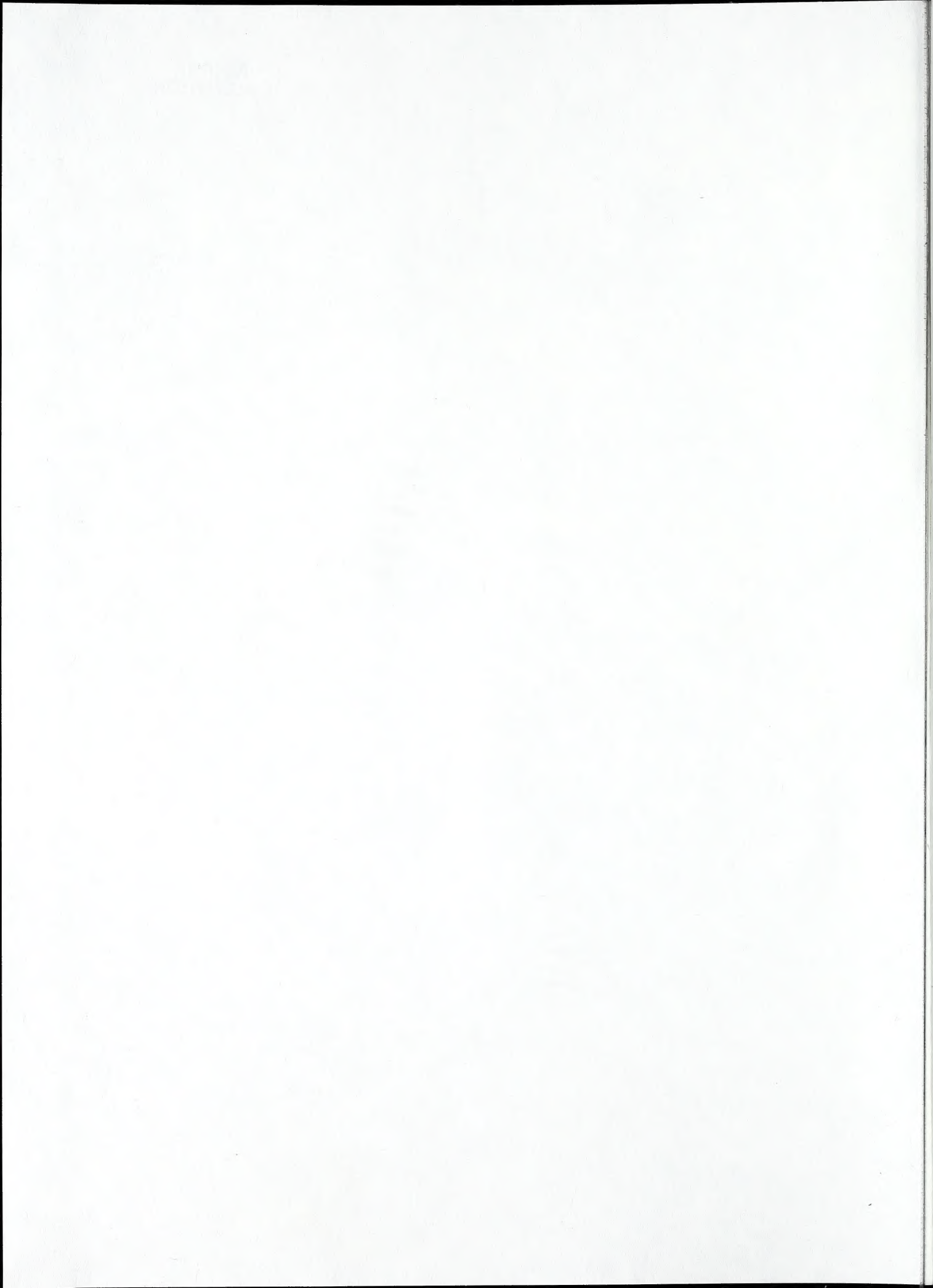
AEC 7521 IL

INDIANA
COLLECTION

INDIANA UNIVERSITY

APR 02 2003

SCHOOL OF LAW-INDPLS.
LIBRARY





JOURNAL OF PROCEEDINGS

OF THE

City-County Council

OF

INDIANAPOLIS-MARION COUNTY

State of Indiana

FROM

January 1, 2002 to December 31, 2002

Printed and Published Under the Authority of the
City-County Council of Indianapolis-Marion County



**CITY-COUNTY OFFICIALS
AND
EXECUTIVE PERSONNEL**

As of December 31, 2002

Mayor..... Bart Peterson

CITY-COUNTY COUNCIL OFFICERS

President Philip C. Borst
Vice President/Majority Leader..... Beulah Coughenour
Minority Leader..... Rozelle Boyd
Clerk of the Council..... Suellen Hart

CITY-COUNTY COUNCIL MEMBERS

First District..... Bill Soards
Second District..... Sean Frick
Third District Scott Schneider
Fourth District..... William A. Dowden
Fifth District..... Curtis Coonrod
Sixth District..... Elwood C. Black
Seventh District James Bradford
Eighth District..... John Bainbridge
Ninth District. Monroe Gray, Jr.
Tenth District..... William Douglas
Eleventh District..... Rozelle Boyd
Twelfth District..... Jody Tilford
Thirteenth District..... Lance Langsford
Fourteenth District..... Steve Talley
Fifteenth District..... Mary B. Moriarty Adams
Sixteenth District Maggie M. Brents
Seventeenth District..... Harvey Knox
Eighteenth District..... Lynn McWhirter
Nineteenth District..... Bob Cockrum
Twentieth District..... Robert Massie
Twenty-first District Frank T. Short
Twenty-second District..... Jackie Nytes
Twenty-third District..... David Smith
Twenty-fourth District..... Beulah A. Coughenour
Twenty-fifth District..... Philip Borst
At Large..... Lonnell Conley
At Large..... Ron Gibson
At Large..... Karen Horseman
At Large..... Joanne Sanders

COMMITTEES OF THE CITY-COUNTY COUNCIL

Committee on Committees

Philip C. Borst, Chairman
Rozelle Boyd
Beulah Coughenour

Administration and Finance

Lynn McWhirter, Chairman
Bob Cockrum
Sean Frick
Lance Langsford
Jackie Nytes
Joanne Sanders
Steve Talley
Jody Tilford

Community Affairs

James Bradford, Chairman
John Bainbridge
Elwood Black
Maggie Brents
Lonnell Conley
Ron Gibson
Lance Langsford
Scott Schneider
Bill Soards

Metropolitan Development

David Smith, Chairman
John Bainbridge
Elwood Black
James Bradford
Beulah Coughenour
Karen Horseman
Jackie Nytes
Scott Schneider

Municipal Corporations

Jody Tilford, Chairman
James Bradford
Bob Cockrum
Curt Coonrod
Ron Gibson
Karen Horseman
Joanne Sanders
Frank Short
Bill Soards

Parks and Recreation

Bob Cockrum, Chairman
Maggie Brents
William Douglas
Sean Frick
Monroe Gray, Jr.
Harvey Knox
Robert Massie
Bill Soards
Jody Tilford

Public Safety & Criminal Justice

William Dowden, Chairman
Curt Coonrod
William Douglas
Sean Frick
Lynn McWhirter
Mary Moriarty Adams
Scott Schneider
David Smith
Steve Talley

Public Works

John Bainbridge, Chairman
Lonnell Conley
Beulah Coughenour
Monroe Gray, Jr.
Harvey Knox
Lance Langsford
Lynn McWhirter
Mary Moriarty Adams
David Smith

Rules and Public Policy

Robert Massie, Chairman
Philip Borst
Rozelle Boyd
Beulah Coughenour
William Dowden
Karen Horseman
Scott Schneider
Frank Short

CALENDAR OF SESSIONS OF THE CITY-COUNTY COUNCIL

January 07, 2002
January 28, 2002
February 11, 2002
February 25, 2002
March 18, 2002
April 08, 2002
April 29, 2002

May 20, 2002
June 03, 2002
June 24, 2002
July 22, 2002
August 05, 2002
August 26, 2002

September 16, 2002
October 07, 2002
October 28, 2002
November 11, 2002
November 25, 2002
December 16, 2002

CITY OFFICIALS

Deputy Mayor.....	Michael O'Connor
Deputy Mayor.....	Jane Henegar
Deputy Mayor.....	Carolyn Coleman
Office of Controller	Katherine Davis
Purchasing Division.....	Deborah Green
Office of Corporation Counsel.....	A. Scott Chinn
Office of Youth and Family Services	Dr. James T. Beasley, Jr.
Cable Communications Agency.....	Rick Maultra
Internal Audit.....	Michael Humphreys
Department of Administration	Brenda Burke
Department of Metropolitan Development	Maury Plambeck
Department of Parks and Recreation	Joseph Wynns
Department of Public Works	Barbara Lawrence
Department of Public Safety.....	Robert Turner

MARION COUNTY OFFICIALS

Clerk of the Circuit Court.....	Sarah Taylor
Community Corrections.....	Brian Barton
Cooperative Extension Service	Maryann Dickason
Court Administrator Agency.....	Mark Renner
County Assessor	Joan Romeril
County Auditor	Marty Womacks
County Commissioner	Joan Romeril
County Commissioner	Marty Womacks
County Commissioner	Gregory Jordan
County Coroner	John McGoff, M.D.
County Election Board	Sarah Taylor
County Prosecutor	Scott Newman
County Recorder.....	Wanda Martin
County Surveyor.....	Jack A. Irwin
County Treasurer	Gregory Jordan
County Sheriff	Jack Cottey
Forensic Services Agency.....	James Hamby
Information Technology	Michael Hine
Marion County Children's Guardian Home	Paul Browne
Marion County Justice Agency.....	Melinda Haag
Marion County Public Defender Agency.....	David Cook
Voters Registration	Sherry Beck, Cathline Mullin

TOWNSHIP ASSESSORS

Center Township Assessor.....	James P. Maley, Jr.
Decatur Township Assessor.....	Charles L. Coleman
Franklin Township Assessor.....	Becky Williams
Lawrence Township Assessor.....	Paul Ricketts
Perry Township Assessor.....	Kathy Price
Pike Township Assessor.....	Liz Keele
Warren Township Assessor.....	Allen L. Durnil
Washington Township Assessor.....	Barry Wood
Wayne Township Assessor.....	Charles R. Spears

COURTS

Marion County Circuit Court.....	William Lawrence
Marion County Drug Court.....	Bill Young
Superior Court, Criminal, 1.....	Tanya Walton-Pratt
Superior Court, Criminal, 2.....	Bob Altice
Superior Court, Criminal, 3.....	Cale Bradford
Superior Court, Criminal, 4.....	Patricia J. Gifford
Superior Court, Criminal, 5.....	Grant Hawkins
Superior Court, Criminal, 6.....	Jane Magnus-Stinson
Superior Court, Criminal, 7.....	William Nelson
Superior Court, Criminal, 8.....	Barbara Collins
Superior Court, Criminal, 9.....	Evan Goodman
Superior Court, Criminal, 10.....	Z. Mae Jimison
Superior Court, Criminal, 14.....	Mark Stoner
Superior Court, Criminal, 15.....	Richard Good
Superior Court, Criminal, 16.....	Clark Rogers
Superior Court, Criminal, 17.....	Sheila Carlisle
Superior Court, Criminal, 18.....	Reuben Hill
Superior Court, Criminal, 19.....	Becky Pierson Treacy
Superior Court, Criminal Probation.....	Robert Bingham
Superior Court, Juvenile Division.....	James W. Payne
Superior Court, Probate Division.....	Charles J. Deiter
Superior Court, Civil, 1.....	Steve Frank
Superior Court, Civil, 2.....	Kenneth H. Johnson
Superior Court, Civil, 3.....	Patrick L. McCarty
Superior Court, Civil, 4.....	Cynthia J. Ayers
Superior Court, Civil, 5.....	Gary Miller
Superior Court, Civil, 6.....	Thomas Carroll
Superior Court, Civil, 7.....	Gerald S. Zore
Superior Court, Civil, 10.....	David Dreyer
Superior Court, Civil, 11.....	John Hanley
Superior Court, Civil, 12.....	Robyn Moberly
Superior Court, Civil, 13.....	S.K. Reid

MEMBERS OF OFFICIAL BOARDS

City-County Administrative Board

Brenda Burke, Chairman
Marty Womacks
Kathy Davis
Paul Ricketts
Sue Beesley

License Review Board

William Klepper
Michael House
Belinda Brown

Metropolitan Development Commission

Randolph Snyder, President
Lee Marble
Brian Murphy
James J. Curtis, Sr.
Eugene Hendricks
Edward Treacy
Robert Smith
Harold Anderson
Sylvia Trotter

Board of Zoning Appeals, Division I

Alan Retherford, Chairman
Susan Fuldauer
Joe Giacoletti
Alene Crenshaw
Joanna Walker

Board of Zoning Appeals, Division II

Marci A. Reddick, Chairman
Charles Hensel
John O'Hara
Mac J. Martin
Steven Badger

Board of Zoning Appeals, Division III

Lincoln Plowman, Chairman
Vop Osili
Greg Cunningham
Ramesh Kumar
Darrell Bakken

Indianapolis Historic Preservation Commission

James T. Kienle, President
William A. Browne, Jr.
Susan Williams
George W. Geib
Barbara Glass
Amy McDonnell
Wayne Patrick
Betty Landis
Alan Lobley

Air Pollution Control Board

Robert S. Daly, Chairman
Bernard O. Paul
William W. Brown
R. Bruce Wallace
Charles Fraley
Dennis Achgill
Roland T. Salman
Thomas A. Barnard
Thomas Rarick

Public Works Board

Barbara Lawrence, Chairman
Tony Buford
Kenneth Hughes
Kipper V. Tew
Arno W. Haupt
Roger Brown
Joyce A. Black

Police Merit Board

Michael Nolin, President
Cordelia Burks
Debbie Barnett
Michael E. Morken
Dr. David Brokaw
Jerry Barker
Mary Maxwell

Fire Merit Board

Patricia L. Chastain, President
Kevin Murray
Louis Dezelan
Timothy Jeffers
David C. Lewis
C. Michael Pitts
Martin J. Yohler

Board of Public Safety

Robert Turner, President
Ken Giffin
George Taylor
Bill Schneider
Dorothy Tackett

Board of Parks and Recreation

Joseph Wynns, Chairman
Diana Wilson Hall
Dale Thornberry
Jackie Greenwood
Bill Stinson

History of the Common Council of the City of Indianapolis

Indianapolis was established as a town in 1821. It was at this time that a commission, appointed by the legislature, selected this location as a site for a seat of government of the State of Indiana.

The town of Indianapolis conducted its affairs pursuant to the general laws of the state until 1832. In this year the town was incorporated and was governed by a board of five trustees.

In 1838, pursuant to a special act of the legislature, Indianapolis was reincorporated and placed in the hands of its first town council composed of a president and six members.

The Common Council continued in a large measure to control the affairs of Indianapolis as a town and as a city under various so-called charters or grants of the legislature until 1891.

Under a special act of the legislature of 1891 for the city of Indianapolis, a somewhat different form of government was established. While the council continued to exercise broad control over the city's affairs, various executive departments of the city were provided such as Public Works, Public Safety, Public Parks and Public Health, and were conducted by boards appointed by the mayor. These boards were granted specific powers and duties concerning the city's business previously exercised by the council through committees subject, however, in some cases to approval of the council in all matters of expenditure of money and appropriation of funds by the council.

For some time prior to 1891 the city of Indianapolis was divided into 25 wards represented by 25 ward councilmen. Their term of office was two years and they were eligible for re-election. At this time there was also a separate body operating in conjunction with the council called the Board of Aldermen, composed of ten aldermen representing five aldermanic districts, two being elected from each district.

Under the 1891 act, the Board of Aldermen was abolished and a common council of 21 members was established. Fifteen members were elected to represent 15 wards and six members were elected to represent the city at large.

This form of council continued to exist in Indianapolis under the general cities and towns act of 1905. The act of 1905, while often referred to as the Indianapolis Charter, is very largely a re-enactment of the 1891 Indianapolis Charter, modified to make the Indianapolis system applicable to all classes of cities of the state. The 1905 law increased the term of mayor and councilman to four years and prohibited re-election.

In 1909 a novel councilmanic law for Indianapolis alone was passed by the legislature. That law limited the number of councilmen to nine. The law provided for the nomination of six candidates by each party, one from each of six councilmanic districts. In the election all of the voters of the city could vote for any nine candidates and the nine receiving the highest number of votes were elected. This law insured a minority representation in the council of at least three members. In 1949 the legislature amended the statutes to permit councilmen to succeed themselves.

History of the City-County Council of the City of Indianapolis

In 1969 the legislature enacted a law, popularly known as the "Unigov Act," which consolidated the city and county into one governmental unit. The act further provided for the creation of an interim City-County Council which served as the legislative body for the city and county until the new twenty-nine member council was elected in November 1971 and took office in January of 1972.

The council is composed of twenty-five members elected from single member districts and four members elected to at-large by voters of the entire county.

Unified Government of Indianapolis-Marion County is an attempt to make metropolitan government simpler, more functional and more responsive to citizens' needs. Under the new structure, six major departments replaced the more than sixty which were in existence previously.

EXECUTIVE HEADS OF THE CITY OF INDIANAPOLIS UNDER VARIOUS FORMS OF ORGANIZATION

PRESIDENTS OF BOARDS OF TRUSTEES

Henderson, Samuel	October 12, 1832 to September 30, 1833
Edgar, James (resigned as Trustee)	September 30 to December 9, 1833
Blythe, Benjamin I.	March 7, 1834 to February 14, 1835
Morrison, Alexander F.	February 14 to October 2, 1835
Palmer, Nathan B.	October 2, 1835 to April 13, 1836
Lockerbie, George.....	April 13, 1836 to April 4, 1837
Soule, Joshua.....	April 3, 1837 to April 2, 1838

PRESIDENTS OF TOWN COUNCIL

Morrison, James	1838 to 1839
Palmer, Nathan B.	1839 to 1840
Coburn, Henry P.	1840 to 1841
Sullivan, William (resigned November 12, 1841)	1841
Culley, David V.	1841 to 1844; 1850 to 1853
Wilson, Lazarus B.	1844 to 1845
Levy, Joseph A.	1845 to 1847
Rooker, Samuel S. (resigned November 1, 1847)	1847
Cady, Charles W.	1847 to 1848

MAYORS

Henderson, Samuel	1847 to 1849
Newcomb, Horatio C. (resigned November 7, 1851)	1849 to 1851
Scudder, Caleb	1851 to 1854
McCready, James	1854 to 1856
West, Henry F. (died November 8, 1856)	1856
Coulon, Charles (to fill vacancy until November 22, 1856)	1856
Wallace, William John (resigned May 3, 1858)	1856 to 1858
Maxwell, Samuel D.	1858 to 1863
Caven, John	1863 to 1867; 1875 to 1881
Macauley, Daniel	1867 to 1873
Mitchell, James L.	1873 to 1875
Grubbs, Daniel W.	1881 to 1884
McMaster, John L.	1884 to 1886
Denny, Caleb S.	1886 to 1890
Sullivan, Thomas L.	January 1, 1890 to October 12, 1893
Denny, Caleb S.	October 12, 1893 to 1895
Taggart, Thomas	October 10, 1895 to 1901
Bookwalter, Charles A.	October 10, 1901 to 1903
Holtzman, John W.	October 15, 1903 to 1905
Bookwalter, Charles A.	1905 to 1909
Shank, Samuel Lewis (resigned November 28, 1913)	1910 to 1913
Wallace, Harry R.	1913
Bell, Joseph E.	1914 to 1917
Jewett, Charles W.	1918 to 1921
Shank, Samuel Lewis	1922 to 1925
Duvall, John L. (disqualified September 22, 1927)	1926 to 1927
Slack, L. Ert.....	1927 to 1929
Sullivan, Reginald H.	1930 to 1934
Kern, John W. (resigned September 2, 1937)	1935 to 1937

Boetcher, Walter C.....	1937 to 1938
Sullivan Reginald H.....	1939 to 1942
Tyndall, Robert H. (died July 9, 1947).....	1943 to 1947
Denny, George L.....	1947
Feeney, Al G. (died November 12, 1950).....	1948 to 1950
Bayt, Phillip L. (resigned November 24, 1951).....	1950 to 1951
Emhardt, Christian J.....	1951
Clark, Alex M.	1952 to 1956
Bayt, Phillip L. (resigned December 31, 1958)	1956 to 1958
Boswell, Charles H. (resigned August 6, 1962).....	1959 to 1962
Losche, Albert H.....	1962 to 1963
Barton, John J.....	1964 to 1968
Lugar, Richard G.	1968 to 1975
Hudnut, William H. III	1976 to 1991
Goldsmith, Stephen	1992 to 1999
Peterson, Bart	2000 to present

TABLE OF CONTENTS

1. Regular Session Journals	1
2. Proposal Index	1141
3. General Ordinance Index.....	1230
4. Fiscal Ordinance Index	1245
5. Special Ordinance Index.....	1270
6. General Resolution Index	1271
7. Special Resolution Index.....	1273
8. Council Resolution Index	1284
9. Rezoning Ordinance Index	1296
10. Police Special Service District Council Index	1320
11. Fire Special Service District Council Index.....	1321
12. Solid Waste Special Service District Council Index.....	1322

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA
REGULAR MEETINGS**

MONDAY, JANUARY 7, 2002

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:09 p.m. on Monday, January 7, 2002, with President SerVaas presiding.

President SerVaas led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

President SerVaas instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

29 PRESENT: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford

A quorum of twenty-nine members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Nytes recognized Min Sung from Seoul, Korea, who is studying English at Butler University.

**ORGANIZATION OF COUNCIL
Selection of Temporary Presiding Officer**

President SerVaas asked for consent to appoint Robert G. Elrod, Parliamentarian, as the temporary chairman of the meeting. Consent was given. The President passed the gavel to Mr. Elrod.

Election of Officers

Mr. Elrod opened the floor for nominations for President of the Council. Councillor Coughenour nominated Councillor SerVaas for President. Councillor Langsford seconded the nomination. Councillor Massie moved, seconded by Councillor Coughenour, to close nominations. Nominations were closed by a unanimous voice vote, thereby electing Councillor SerVaas as Council President.

President SerVaas said that after 40 years serving on this Council, it is his plan not to run for re-election again and instead make way for new visionaries to take leadership roles. He said that it is his pleasure to serve the members of this Council, and he thanked them for their confidence.

Mr. Elrod opened the floor for nominations for Vice President of the Council. Councillor Cockrum nominated Councillor Borst for Vice President. Councillor Massie seconded the nomination. Councillor Sanders nominated Councillor Boyd for Vice President. Councillor Horseman seconded the nomination. Councillor Short moved, seconded by Councillor Gray, to close nominations. Nominations were closed by a unanimous voice vote. Mr. Elrod stated that a "yea" vote will signify a vote for Councillor Borst as Vice President of the Council, and a "nay" vote will signify a vote for Councillor Boyd. Councillor Borst was elected as Council Vice President by the following roll call vote; viz:

16 FOR BORST: Bainbridge, Borst, Bradford, Brents, Cockrum, Coonrod, Coughenour, Dowden, Langsford, Massie, McWhirter, Schneider, SerVaas, Smith, Soards, Tilford

13 FOR BOYD: Black, Boyd, Conley, Douglas, Gibson, Gray, Horseman, Knox, Moriarty Adams, Nytes, Sanders, Short, Talley

Councillor Borst thanked the Council for their support and said that he is looking forward to another year of service.

Mr. Elrod opened the floor for nominations for Clerk of the Council. Councillor Black nominated Suellen Hart for Clerk of the Council and stated that Ms. Hart is one of the most effective, qualified individuals ever to hold this position, and he commended her for her leadership of the Council staff. Councillor Coughenour seconded the nomination. Councillor Gray moved, seconded by Councillor Talley, to close nominations. Nominations were closed by a unanimous voice vote, thereby electing Suellen Hart as Clerk of the Council.

Ms. Hart thanked the Council for their support, and stated that her job is made easier by having such an efficient staff.

Certification of Caucus Leaders

Mr. Elrod stated that he has certifications that Councillor Borst has been selected as leader of the Republican Caucus, and Councillor Boyd has been selected as leader of the Democratic Caucus.

Mr. Elrod returned the gavel to President SerVaas.

Reappointment of Senior Staff

Councillor Horseman stated that Sec. 151-100 states that the general counsel is to be appointed by the Council upon recommendation by the Rules and Public Policy Committee. She stated that this matter needs to be referred to the Rules and Public Policy Committee.

President SerVaas said that the Rules and Public Policy Committee recommended Robert Elrod as general counsel last year. He added that Mr. Elrod has served for many years and serves well in this position, as confirmed by the Committee last year. As chair, President SerVaas said he did not feel the need for another recommendation. He asked Mr. Elrod for a clarification of the rules. Mr. Elrod said that nothing in the rules indicate how often this recommendation needs to be made, or that it needs to be done annually. Councillor Horseman asked if Mr. Elrod can then continue in perpetuity without a recommendation. President SerVaas said that the Council could choose to recommend someone else for this position at any time, if they so chose. He called for a vote on upholding the chair's ruling to sustain last year's recommendation of Mr. Elrod as general counsel and vote on the appointment this evening. The chair's ruling was sustained on the following roll call vote; viz:

18 YEAS: Bainbridge, Black, Borst, Bradford, Cockrum, Coonrod, Coughenour, Dowden, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Schneider, SerVaas, Smith, Soards, Tilford

11 NAYS: Boyd, Brents, Conley, Douglas, Gibson, Gray, Horseman, Nytes, Sanders, Short, Talley

Mr. Elrod was appointed as general counsel on the following roll call vote; viz:

20 YEAS: Bainbridge, Black, Borst, Bradford, Cockrum, Coonrod, Coughenour, Dowden, Gray, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Schneider, SerVaas, Short, Smith, Soards, Tilford

9 NAYS: Boyd, Brents, Conley, Douglas, Gibson, Horseman, Nytes, Sanders, Talley

Max Moser was appointed as research director on the following roll call vote; viz:

29 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford

0 NAYS:

Ava Earles and Peggy Stawick were appointed as assistant clerks of the Council on the following roll call vote; viz:

29 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford

0 NAYS:

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council

Journal of the City-County Council

Chambers, on Monday, January 7, 2002, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Beurt SerVaas
President, City-County Council

December 27, 2001

TO PRESIDENT SERVAAS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Monday, December 31, 2001, a copy of a Request for Proposals for redistricting assistance.

Respectfully,
s/Suellen Hart
Clerk of the City-County Council

December 20, 2001

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Suellen Hart, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 171, 2001 - approves an increase of \$265,625 in the 2001 Budgets of the County Auditor and Cooperative Extension Service (State and Federal Grants Fund) for the continuation of the Indiana Grassroots Coalition Program through May 31, 2003, funded by a grant from the Indiana Family and Social Services Administration

FISCAL ORDINANCE NO. 174, 2001 - approves an increase of \$195,000 in the 2001 Budget of the Department of Public Works, Contract Compliance Division (Consolidated County Fund) to pay additional costs associated with the abandoned vehicle program, financed by fund balances

GENERAL ORDINANCE NO. 117, 2001 - extends by four years the age at which taxicabs and limousines must be removed from service, with the requirement of annual inspections during each of the four years

GENERAL ORDINANCE NO. 118, 2001 - authorizes the establishment of the Sales Disclosure Fund as a nonreverting fund

GENERAL ORDINANCE NO. 119, 2001 - establishes the Forensic Services Training Revenue Fund as a special nonreverting fund

GENERAL ORDINANCE NO. 120, 2001 - authorizes intersection controls for the Valley Creek Subdivision (District 12)

GENERAL ORDINANCE NO. 121, 2001 - authorizes a multi-way stop at 36th Street and Harvest Avenue (District 12)

GENERAL ORDINANCE NO. 122, 2001 - authorizes intersection controls at Lafayette Road and Pilgrim Drive (District 1)

GENERAL ORDINANCE NO. 123, 2001 - authorizes a multi-way stop at 10th Street and New Jersey Street (west leg), and one-way traffic on 10th Street from Alabama Street to Central Avenue (District 22)

GENERAL ORDINANCE NO. 124, 2001 - authorizes multi-way stops at 31st Street and Bolton Avenue and at 32nd Street and Bolton Avenue (District 10)

GENERAL ORDINANCE NO. 125, 2001 - authorizes 60 degree angled parking on Shelby Street from Prospect Street to Woodlawn Avenue (District 16)

GENERAL ORDINANCE NO. 126, 2001 - authorizes one-way traffic flow on Sanders Street from Hartford Street to Leonard Street; and on Leonard Street from Sanders Street to Morris Street (District 21)

GENERAL ORDINANCE NO. 127, 2001 - authorizes parking restrictions on Rural Street, on the west side, from 13th Street to a point 320 feet north of Brookside Parkway South Drive (Districts 10, 22)

January 7, 2002

GENERAL ORDINANCE NO. 128, 2001 - repeals the weight limit restriction on 79th Street between Zionsville Road and Moore Road, and imposes a weight limit restriction for 79th Street between Moore Road and Innovation Boulevard (District 1)

GENERAL ORDINANCE NO. 129, 2001 - authorizes a multi-way stop at Furnas Road and High School Road (District 19)

GENERAL ORDINANCE NO. 130, 2001 - authorizes one-way restrictions on Herman Street between Market Street and Ohio Street (District 22)

GENERAL ORDINANCE NO. 131, 2001 - authorizes changes in the parking restrictions on New York Street, from Audubon Road to Bolton Avenue (District 13)

SPECIAL ORDINANCE NO. 11, 2001 - approves the Asset Purchase Agreement by and between the City, IWC Resources Corporation, and NiSource, Inc. and approves and authorizes other actions in respect thereto

SPECIAL RESOLUTION NO. 87, 2001 - recognizes the Ben Davis High School Giants 2001 State Football Champions

SPECIAL RESOLUTION NO. 88, 2001 - recognizes the White River Environmental Partnership and IPS's Arlington High School collaboration

SPECIAL RESOLUTION NO. 89, 2001 - remembers the landmark Fireside South Restaurant

SPECIAL RESOLUTION NO. 90, 2001 - recognizes Steak n Shake's Third Annual Breakfast with Santa event

SPECIAL RESOLUTION NO. 91, 2001 - authorizes the Department of Public Works, Office of Environmental Services, to apply for grant assistance from the Indiana Department of Environmental Management to expand the city's household hazardous waste management program

SPECIAL RESOLUTION NO. 92, 2001 - an inducement resolution hearing for Dakota Ridge Apartments in an amount not to exceed \$12,000,000 which consists of the construction and equipping of a 192-unit apartment complex on an approximately 19.3 acre parcel of land located on the southeast corner of Banta and Harding Road (District 25)

SPECIAL RESOLUTION NO. 93, 2001 - an inducement resolution for Herman Associates, Inc. in an amount not to exceed \$12,000,000 which consists of the rehabilitation of a 344-unit pre-existing apartment complex on an approximately 22.04 acre parcel of real estate located at 3215 North Alton Avenue (District 9)

SPECIAL RESOLUTION NO. 94, 2001 - determines the need to lease office space at 604 North Sherman Drive for the Departments of Metropolitan Development and Public Works

SPECIAL RESOLUTION NO. 95, 2001 - determines the need to lease office space at 4150 North Keystone Avenue for the Sheriff's Department, IPD, Prosecutor's Office, Child Protective Services, and the Family Advocacy Center, Inc.

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of December 17, 2001. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 39, 2002. The proposal, sponsored by Councillors Soards and Dowden, congratulates and welcomes Dr. Bobby Fong, the 20th President of Butler University. Councillor

Soards read the proposal and presented Dr. Fong with a copy of the document and a Council pin. Dr. Fong thanked the Council for the recognition and said that is looking forward to partnering with the City in providing more education opportunities for its citizens. Councillor Soards moved, seconded by Councillor Dowden, for adoption. Proposal No. 39, 2002 was adopted by a unanimous voice vote.

Proposal No. 39, 2002 was retitled SPECIAL RESOLUTION NO. 1, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 1, 2002

A SPECIAL RESOLUTION congratulating and welcoming Dr. Bobby Fong, the 20th President of Butler University.

WHEREAS, on February 9, 2002, Dr. Bobby Fong will be inaugurated as the 20th President of Butler University since its founding before the Civil War in 1855; and

WHEREAS, Dr. Fong grew up in Chinatown in Oakland, California, the son of a butcher and a sweatshop seamstress, and realized that education was a way out of the treadmill of poverty; and

WHEREAS, he attended Harvard University on scholarships, Social Security benefits and delivering newspapers to Harvard dorms, and after his B. A. in English there, he returned to California where he earned a doctorate in English literature from UCLA; and

WHEREAS, with his doctorate, he again headed east where he taught English and was faculty dean of colleges in Kentucky, Michigan and in New York; and

WHEREAS, Dr. Fong is married to Suzanne, and they have two sons Jonathan and Collin, he is a New York Yankees baseball fan, and is an avid baseball card collector; and

WHEREAS, Butler is a private, coeducational liberal arts university that in 1929 moved from Irvington to Fairview Park that was an amusement park owned by the streetcar company, which now enrolls 4,200 students, offers 67 academic majors, Greek organizations, a strong music and performing arts program, its own TV station, and is currently enjoying a record breaking basketball season; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council, elected representatives of the citizens of Indianapolis, welcome Dr. Bobby Fong as the new President of Butler University.

SECTION 2. The Council hopes that his tenure with Butler leads that proud institution to a high level of success in the many roles that it plays.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

President SerVaas stated that Proposal Nos. 726-729, 2001 are all board reappointments sponsored by Councillor Cockrum and were recommended unanimously by the Parks and Recreation Committee for adoption on December 20, 2001. He asked for consent to vote on these proposals together. Consent was given.

Councillor Cockrum moved, seconded by Councillor Gray, to make a technical amendment to Proposal Nos. 728 and 729, 2001. Councillor Cockrum said that the proposals are written as one-year terms, and should actually be four-year terms. Proposal Nos. 728 and 729, 2001 were amended by a unanimous voice vote.

PROPOSAL NO. 726, 2001. The proposal reappoints Alan Wiseman to the Board of Parks and Recreation. PROPOSAL NO. 727, 2001. The proposal reappoints Diana Wilson Hall to the Board of Parks and Recreation. PROPOSAL NO. 728, 2001. The proposal appoints Dennis Papenmeier to the Indianapolis Greenways Development Committee. PROPOSAL NO. 729, 2001. The proposal appoints Thomas A. John to the Indianapolis Greenways Development Committee. Councillor Cockrum moved, seconded by Councillor Massie, for adoption. Proposal Nos. 726-729, 2001 were adopted by a unanimous voice vote.

Proposal No. 726, 2001 was retitled COUNCIL RESOLUTION NO. 1, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 1, 2002

A COUNCIL RESOLUTION reappointing Alan Wiseman to the Board of Parks and Recreation.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Board of Parks and Recreation, the Council reappoints:

Alan Wiseman

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 727, 2001 was retitled COUNCIL RESOLUTION NO. 2, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 2, 2002

A COUNCIL RESOLUTION reappointing Diana Wilson Hall to the Board of Parks and Recreation.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Board of Parks and Recreation, the Council reappoints:

Diana Wilson Hall

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 728, 2001 was retitled COUNCIL RESOLUTION NO. 3, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 3, 2002

A COUNCIL RESOLUTION appointing Dennis Papenmeier to the Indianapolis Greenways Development Committee.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Indianapolis Greenways Development Committee, the Council appoints:

Dennis Papenmeier

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2005. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 729, 2001 was retitled COUNCIL RESOLUTION NO. 4, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 4, 2002

A COUNCIL RESOLUTION appointing Thomas A. John to the Indianapolis Greenways Development Committee.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Indianapolis Greenways Development Committee, the Council appoints:

Thomas A. John

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2005. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 1, 2002. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Brenda L. Burke as the Director of the Department of Administration"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 2, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which determines the need to lease office space at 3500 Lafayette Road for the Westside Community Office of the Marion Superior Court, Probation Department, Adult Services Division"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 3, 2002. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Joseph L. B. Wynns as the Director of the Department of Parks and Recreation"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 4, 2002. Introduced by Councillors Boyd and Talley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Robert B. Turner as the Director of the Department of Public Safety"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 5, 2002. Introduced by Councillors Dowden and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Police Special Service District Fiscal Ordinance which approves an appropriation of \$2,849,006 in the 2002 Budget of the Department of Public Safety, Police Division (Police General Fund) to restore budget cuts made by the State Board of Tax Commissioners because the budget passed by City-County Council in September 2001 exceeded the amount advertised by the City, financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 6, 2002. Introduced by Councillors Dowden and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fire Special Service District Fiscal Ordinance which approves an appropriation of \$2,366,905 in the 2002 Budget of the Department of Public Safety, Fire Division (Fire General Fund) to restore budget cuts made by the State Board of Tax Commissioners because the budget passed by City-County Council in September 2001 exceeded the amount advertised by the City, financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 7, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$19,716 in the 2002 Budget of the County Sheriff (State and Federal Grants Fund) for the reimbursement of two officers' overtime assigned to the FBI Task Force Program, funded by a FBI Task Force Grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 8, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$9,461 in the 2002 Budget of the County Sheriff (State and Federal Grants Fund) for a one-time reimbursement for one officer's salary assigned to the Drug Enforcement Administration, funded by a grant from the Department of Justice, Drug Enforcement Administration"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 9, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$23,715 in the 2002 Budget of the Marion County Justice Agency (State and Federal Grants Fund) for the development of the Indianapolis Violence Reduction Partnership Crime Database Web Application, funded by a grant from the Indiana Criminal Justice Institute (Local match of \$7,950 is funded by existing appropriations in the Marion County Justice Agency budget.)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 10, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$135,280 in the 2002 Budgets of the County Auditor and the Marion County Justice Agency (Drug Free Community Fund) to appropriate salaries per grant awards for Marion County Superior Court, County Prosecutor, and Marion County Justice Agency"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 11, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$505,506 in the 2002 Budgets of the County Auditor and Community Corrections (Home Detention Fund) to appropriate the second half of fiscal year 2001-2002 Home Detention Fund to fund personnel, home detention equipment, and office supplies"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 12, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$45,000 in the 2002 Budgets of the County Auditor and Marion County Superior Court (State and Federal Grants Fund) to hire a Family Court Coordinator (Family Court Pilot Project), funded by a state grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 13, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$15,000 in the 2002

Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to appropriate an Indiana Supreme Court grant for the Family Group Conferencing Program"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 14, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$2,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to appropriate an AWI (Automated Wagering International) grant to purchase supplies for children's programs"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 15, 2002. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Michael B. O'Connor as the Chief Deputy Mayor"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 16, 2002. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Jane Henegar as the Deputy Mayor for Policy"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 17, 2002. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Carolyn M. Coleman as the Deputy Mayor for Neighborhoods"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 18, 2002. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Barbara A. Lawrence as the Director of the Department of Public Works"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 19, 2002. Introduced by Councillors Black and Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 42nd Street and Park Avenue (Districts 6, 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 20, 2002. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 9th Street and Denny Street (District 15)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 21, 2002. Introduced by Councillor Knox. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 12th Street and Livingston Avenue (District 17)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 22, 2002. Introduced by Councillor Soards. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 88th Street and Cooper Road (District 1)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 23, 2002. Introduced by Councillor Massie. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Brunswick Avenue and Laurel Street (District 20)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 24, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls at Ravine Road and White Oak Court (District 4)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 25, 2002. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Sheffield Avenue and St. Clair Street (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 26, 2002. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 20th Street and Medford Avenue (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 27, 2002. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on the south side of New York Street from Pierson Street to Meridian Street (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 28, 2002. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on the south side of 25th Street between Dr. A. J. Brown Avenue and Sheldon Street (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 29, 2002. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on the east side of Talbott Street between Terrace Avenue and Orange Street (District 25)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 30, 2002. Introduced by Councillor Soards. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Georgetown Road and 71st Street (District 1)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 31, 2002. Introduced by Councillor Knox. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a weight limit restriction on Maywood Road from Tibbs Avenue to Warman Avenue (District 17)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 32, 2002. Introduced by Councillors Smith and Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which reorganizes the division of permits of the department of metropolitan development under the new name "division of compliance," to assign certain powers and duties to such division including duties previously assigned to other divisions and departments, and to make corresponding technical corrections to numerous sections of the Code"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 40, 2002. Introduced by Councillor Massie. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$75,000 in the 2002 Budget of the City-County Council (Consolidated County Fund) to provide for redistricting expenses, anticipated but not encumbered in 2001, financed by fund balances"; and the President referred it to the Administration and Finance Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 33, 2002 and PROPOSAL NOS. 34-38, 2002. Introduced by Councillor Smith. Proposal No. 33, 2002 and Proposal Nos. 34-38, 2002 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on January 2, 2002. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 1-6, 2002, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 1, 2002.

2001-ZON-086

10655 INDIAN LAKE BOULEVARD (approximate address), CITY OF LAWRENCE.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 5

THE BRADFORD GROUP, INC., by Steven D. Mears, requests a rezoning of 19.6 acres, being in the D-A District, to the D-2 classification to provide for residential development.

REZONING ORDINANCE NO. 2, 2002.

2001-ZON-120

313 SOUTH CINCINNATI STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16

KAREN & ED HIBBITT request a rezoning of 0.13 acre, being in the I-4-U district, to the D-8 classification to provide for residential development.

REZONING ORDINANCE NO. 3, 2002.

2001-ZON-141

6905 NORTH HOOVER ROAD (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 2

JEWISH FEDERATION OF GREATER INDIANAPOLIS. by Walter Wolf, requests a rezoning of 0.55 acre, being in the D-1 District, to the SU-38 classification to provide for a community center with related uses including offices and parking.

REZONING ORDINANCE NO. 4, 2002.

2001-ZON-144

228 NORTH EAST STREET AND 439 EAST NEW YORK STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

THOMAS and JEAN GAUNT request a rezoning of 0.170 acres, being in the I-3-S district, to the D-8 classification to provide for residential development.

REZONING ORDINANCE NO. 5, 2002.

2001-ZON-146

319 AND 323 EAST ST. JOSEPH STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

MANSUR REAL ESTATE SERVICES, INC. requests a rezoning of 0.31 acre, being in the C-4 district, to the CBD-2 classification to provide for the construction of five (5) attached townhomes.

REZONING ORDINANCE NO. 6, 2002.

2001-ZON-853

5701 EAST SOUTHPORT ROAD (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23

January 7, 2002

REAINCO DEVELOPMENT CORPORATION requests a rezoning of 39.2 acres, being in the D-A District, to the D-2 classification to provide for a single-family residential community.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Boyd in memory of Vance Amstutz; and
- (2) Councillor Talley in memory of Ruth E. Wright; and
- (3) Councillor Horseman in memory of Gene Burr; and
- (4) Councillor Coughenour in memory of Ron Wukasch.

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Vance Amstutz, Ruth E. Wright, Gene Burr, and Ron Wukasch. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 7:47 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 7th day of January, 2002.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.



President

ATTEST:



Clerk of the Council

(SEAL)

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, JANUARY 28, 2002**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:11 p.m. on Monday, January 28, 2002, with President SerVaas presiding.

Councillor Coonrod introduced Assistant Pastor Terry Hirsch of Holy Cross Lutheran Church, who led the opening prayer. Councillor Coonrod then invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

President SerVaas instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

29 PRESENT: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford

A quorum of twenty-nine members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

President SerVaas recognized former At-Large Councillor Toby McClamroch. He also introduced David Caldwell, executive director of Kentuckians for Tax Reform, and said that Louisville recently adopted the UniGov concept and Mr. Caldwell is here to observe this evening. Mr. Caldwell said that he is visiting to see how UniGov works and he believes that competition is beneficial to everyone and hopes that Louisville will grow to compete with Indianapolis in a greater arena. Councillor Coughenour said that recently representatives from Indianapolis visited Louisville to learn from them on some environmental issues, and she is glad to see the reverse happening, as well. Mr. Caldwell said that he wants leaders of both cities to see Interstate 65 as an avenue of ideas. Councillor Massie recognized former At-Large Councillor Carlton Curry. Councillor Conley introduced Center Township Constable Tony Duncan. Councillor Gray

former City Controller Fred Armstrong. Councillor Sanders wished first lady of Indianapolis, Amy Minnick Peterson, a happy birthday.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, January 28, 2002, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Beurt SerVaas
President, City-County Council

January 8, 2002

TO PRESIDENT SERVAAS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, January 11, 2002, a copy of a Notice of Public Hearing on Proposal No. 697, 2001 and Proposal Nos. 5-9, 11-14, and 40, 2002, said hearing to be held on Monday, January 28, 2002, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Suellen Hart
Clerk of the City-County Council

January 10, 2002

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Suellen Hart, the following resolution:

SPECIAL RESOLUTION NO. 1, 2002 - congratulates and welcomes Dr. Bobby Fong, the 20th President of Butler University

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of January 7, 2002. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 54, 2002. The proposal, sponsored by Councillors Gray and Boyd, recognizes retiring Indianapolis Police Department Captain Cephas L. Bandy for his 41 years of police service. Councillor Gray read the proposal and presented Captain Bandy with a copy of the document and a Council pin. Captain Bandy thanked the Council for the recognition. Indianapolis Police Department (IPD) chief Jerry Barker and Department of Public Safety (DPS) director Robert Turner thanked Captain Bandy for his service, his professionalism, and inspiration and said that he will be missed. Councillor Gray moved, seconded by Councillor Boyd, for adoption. Proposal No. 54, 2002 was adopted by a unanimous voice vote.

Proposal No. 54, 2002 was retitled SPECIAL RESOLUTION NO. 2, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 2, 2002

A SPECIAL RESOLUTION recognizing retiring Indianapolis Police Department Captain Cephas L. Bandy for his 41 years of police service.

WHEREAS, in 1961, the City-County Building was under construction, the Cuban Bay of Pigs invasion was a disaster, "The Twist" song and dance by Chubby Checker was a national sensation, and Cephas L. Bandy was hired by the Indianapolis Police Department at the going salary of \$4,600 a year; and

WHEREAS, in less than a dozen years on the force he received promotions to Captain, and during his 41 years on the Department Captain Bandy served in a two page long list of assignments including commander of the crime lab, vehicle theft, public affairs, organized crime, juvenile branch, along with special assignments to the Disciplinary Board, a stint as Assistant Deputy Chief, tours of duty in the west and south districts, and working with the Marion County Prosecutor's Office; and

WHEREAS, he was the captain of a community relations team that earned a Unit Citation from Chief Gallagher 20 years before community policing and relations came into style, and he received a glowing letter of thanks from Marion County Prosecutor Noble Percy for successfully investigating a murder case that sent the murderer to prison for life; and

WHEREAS, Captain Bandy has been active in the YMCA, the National Organization of Black Law Enforcement Executives, and perhaps most importantly, in his quiet but effective manner he served as a role model for several generations of young cops; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the more than four decades of police work by Indianapolis Police Department's Captain Cephas L. Bandy.

SECTION 2. The Council wishes him well in retirement as he has more time to aggressively pursue his boundless enthusiasm for hitting little round balls around golf courses.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 69, 2002. The proposal, sponsored by Councillor Coonrod, recognizes the Marion County Auditor's Office for earning the Government Finance Officers Association's Budget Presentation and Financial Reporting Awards. Councillor Coonrod read the proposal and presented Marty Womacks, County Auditor, with a copy of the document and a Council pin. Ms. Womacks recognized staff members Dan Jones, Terry Nelson, and Steve Dyson, and said that this award is a result of their hard work as well. She thanked the Council for the recognition.

Councillor Coonrod moved, seconded by Councillor McWhirter, for adoption. Proposal No. 69, 2002 was adopted by a unanimous voice vote.

Proposal No. 69, 2002 was retitled SPECIAL RESOLUTION NO. 3, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 3, 2002

A SPECIAL RESOLUTION recognizing the Marion County Auditor's Office for earning the Government Finance Officers Association's Budget Presentation and Financial Reporting Awards.

WHEREAS, the 15,000-member Government Finance Officers Association, or GFOA, is a professional association of government finance people from local governments, schools, libraries, government employee retirement systems, law and accounting firms and financial institutions; and

WHEREAS, a part of the association's professional development program is a series of awards that demonstrate outstanding financial management; and

WHEREAS, of the fewer than 900 governmental units from throughout the USA and Canada that won the Distinguished Budget Presentation Award, the Marion County Auditor's Office was the only Indiana county that earned the award—and received it for the sixth consecutive year; and

WHEREAS, since 1945, the Certificate of Achievement for Excellence in Financial Reporting Award is designed to recognize high quality governmental reporting, and is the information that the investment community looks at closely; and

WHEREAS, again, the Marion County Auditor's Office was one of only 36 state and local units of government in Indiana to earn this award from the Government Finance Officers Association; now, therefore

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes and congratulates Marion County Auditor Martha "Marty" Womacks and her staff for earning both the Budget Presentation and the Financial Reporting Awards from the Government Finance Officers Association.

SECTION 2. It is the Legislative and Executive Branches of local government that commit the allocations of taxes and spending, but in the meantime it is reassuring for the taxpayers to know that the Marion County Auditor, as well as her City Controller counterpart, have been nationally recognized as being good stewards of the budget accounting and reporting process of local government.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

President SerVaas asked for consent to vote on Proposal Nos. 612, 712, 715-718, 721-723, 725, 732-736, and 738-743, 2001 and Proposal Nos. 3, 4, and 15-18, 2002 together, as they are all board and director appointments with unanimous recommendations.

Councillor Smith moved, seconded by Councillor Schneider, to return Proposal No. 718, 2001 to the Metropolitan Development Committee for further review due to some details that have arisen. PROPOSAL NO. 718, 2001. The proposal, sponsored by Councillor Borst, reappoints Steven M. Badger to the Metropolitan Board of Zoning Appeals Division II. Proposal No. 718, 2001 was returned to committee by a unanimous voice vote.

Councillor Bradford moved, seconded by Councillor Coughenour, to amend Proposal No. 712, 2001 for a term ending 2003 instead of 2004. He said that this appointment is to replace an existing term, which ends 2003, and this is therefore simply a technical amendment. Proposal No. 712, 2001 was amended by a unanimous voice vote.

PROPOSAL NO. 612, 2001. The proposal, sponsored by Councillors Dowden and Moriarty Adams, appoints Charles Neill to the Citizens Police Complaint Board. PROPOSAL NO. 712, 2001. The proposal, sponsored by Councillor Bradford, appoints Kristina Holden to the Community Centers of Indianapolis Board. PROPOSAL NO. 715, 2001. The proposal, sponsored by Councillor Borst, reappoints Walter Quesenberry to the Lawrence Economic Development Commission. PROPOSAL NO. 716, 2001. The proposal, sponsored by Councillor Borst, reappoints Joanna Walker to the Metropolitan Board of Zoning Appeals Division I. PROPOSAL NO. 717, 2001. The proposal, sponsored by Councillor Borst, reappoints Alan Retherford to the Metropolitan Board of Zoning Appeals Division I. PROPOSAL NO. 721, 2001. The proposal, sponsored by Councillor Borst, reappoints C. Eugene Hendricks to the Metropolitan Development Commission. PROPOSAL NO. 722, 2001. The proposal, sponsored by Councillor Borst, reappoints Randolph L. Snyder to the Metropolitan Development Commission. PROPOSAL NO. 723, 2001. The proposal, sponsored by Councillor Borst, reappoints Brian Murphy to the Metropolitan Development Commission. PROPOSAL NO. 725, 2001. The proposal, sponsored by Councillor Tilford, reappoints David Scott to the Indianapolis Public Transportation Corporation. PROPOSAL NO. 732, 2001. The proposal, sponsored by Councillor Dowden, reappoints Ken Giffin to the Board of Public Safety. PROPOSAL NO. 733, 2001. The proposal, sponsored by Councillor Dowden, reappoints William Schneider to the Board of Public Safety. PROPOSAL NO. 734, 2001. The proposal, sponsored by Councillor Dowden, reappoints Susie Davie to the Marion County Community Corrections Advisory Board. PROPOSAL NO. 735, 2001. The proposal, sponsored by Councillor Dowden, reappoints Leslie Duvall to the Marion County Community Corrections Advisory Board. PROPOSAL NO. 736, 2001. The proposal, sponsored by Councillor Dowden, reappoints Mary Stewart to the Marion County Community Corrections Advisory Board. PROPOSAL NO. 738, 2001. The proposal, sponsored by Councillor Dowden, reappoints Rondle W. Brewer to the Marion County Community Corrections Advisory Board. PROPOSAL NO. 739, 2001. The proposal, sponsored by Councillor Dowden, reappoints Leonard Simpson to the Marion County Community Corrections Advisory Board. PROPOSAL NO. 740, 2001. The proposal, sponsored by Councillor Coughenour, reappoints Tony Buford to the Board of Public Works. PROPOSAL NO. 741, 2001. The proposal, sponsored by Councillor Coughenour, reappoints Arno W. Haupt to the Board of Public Works. PROPOSAL NO. 742, 2001. The proposal, sponsored by Councillor Coughenour, reappoints Kenneth W. Hughes to the Board of Public Works. PROPOSAL NO. 743, 2001. The proposal, sponsored by Councillor Massie, reappoints Robert Spear to the Alcoholic Beverage Board of Marion County. PROPOSAL NO. 3, 2002. The proposal, sponsored by Councillor Boyd, approves the Mayor's appointment of Joseph L. B. Wynns as the Director of the Department of Parks and Recreation. PROPOSAL NO. 4, 2002. The proposal, sponsored by Councillors Boyd and Talley, approves the Mayor's appointment of Robert B. Turner as the Director of the Department of Public Safety. PROPOSAL NO. 15, 2002. The proposal, sponsored by Councillor Boyd, approves the Mayor's appointment of Michael B. O'Connor as the Chief Deputy Mayor. PROPOSAL NO. 16, 2002. The proposal, sponsored by Councillor Boyd, approves the Mayor's appointment of Jane Henegar as the Deputy Mayor for Policy. PROPOSAL NO. 17, 2002. The proposal, sponsored by Councillor Boyd, approves the Mayor's appointment of Carolyn M. Coleman as the Deputy Mayor for Neighborhoods. PROPOSAL NO. 18, 2002. The proposal, sponsored by Councillor Boyd, approves the Mayor's appointment of Barbara A. Lawrence as the Director of the Department of Public Works. Councillor Borst moved, seconded by Councillor Dowden for adoption.

Councillor Bradford said that he would like to be noted as an abstention on Proposal No. 743, 2001 due to a conflict of interest. Councillor Talley asked that this proposal be voted on separately to reflect that abstention.

Proposal No. 712, 2001, as amended; Proposal Nos. 612, 715-717, 721-723, 725, 732-736, and 738-742, 2001; and Proposal Nos. 3, 4, and 15-18, 2002 were adopted by a unanimous voice vote.

Proposal No. 612, 2001 was retitled COUNCIL RESOLUTION NO. 5, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 5, 2002

A COUNCIL RESOLUTION appointing Charles Neill to the Citizens Police Complaint Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Citizens Police Complaint Board, the Council appoints:

Charles Neill

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 712, 2001, as amended, was retitled COUNCIL RESOLUTION NO. 6, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 6, 2002

A COUNCIL RESOLUTION appointing Kristina Holden to the Community Centers of Indianapolis Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Community Centers of Indianapolis Board, the Council appoints:

Kristina Holden

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2003. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 715, 2001 was retitled COUNCIL RESOLUTION NO. 7, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 7, 2002

A COUNCIL RESOLUTION reappointing Walter Quesenberry to the Lawrence Economic Development Commission.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Lawrence Economic Development Commission, the Council reappoints:

Walter Quesenberry

SECTION 2. The appointment made by this resolution is for a term ending February 01, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 716, 2001 was retitled COUNCIL RESOLUTION NO. 8, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 8, 2002

A COUNCIL RESOLUTION reappointing Joanna Walker to the Metropolitan Board of Zoning Appeals Division I.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Metropolitan Board of Zoning Appeals Division I, the Council reappoints:

Joanna Walker

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 717, 2001 was retitled COUNCIL RESOLUTION NO. 9, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 9, 2002

A COUNCIL RESOLUTION reappointing Alan Retherford to the Metropolitan Board of Zoning Appeals Division I.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Metropolitan Board of Zoning Appeals Division I, the Council reappoints:

Alan Retherford

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 721, 2001 was retitled COUNCIL RESOLUTION NO. 10, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 10, 2002

A COUNCIL RESOLUTION reappointing C. Eugene Hendricks to the Metropolitan Development Commission.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Metropolitan Development Commission, the Council reappoints:

C. Eugene Hendricks

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 722, 2001 was retitled COUNCIL RESOLUTION NO. 11, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 11, 2002

A COUNCIL RESOLUTION reappointing Randolph L. Snyder to the Metropolitan Development Commission.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Metropolitan Development Commission, the Council reappoints:

Randolph L. Snyder

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 723, 2001 was retitled COUNCIL RESOLUTION NO. 12, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 12, 2002

A COUNCIL RESOLUTION reappointing Brian Murphy to the Metropolitan Development Commission.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Metropolitan Development Commission, the Council reappoints:

Brian Murphy

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 725, 2001 was retitled COUNCIL RESOLUTION NO. 13, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 13, 2002

A COUNCIL RESOLUTION reappointing David Scott to the Indianapolis Public Transportation Corporation.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Indianapolis Public Transportation Corporation, the Council reappoints:

David Scott

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2005. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 732, 2001 was retitled COUNCIL RESOLUTION NO. 14, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 14, 2002

A COUNCIL RESOLUTION reappointing Ken Giffin to the Board of Public Safety.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Board of Public Safety, the Council reappoints:

Ken Giffin

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 733, 2001 was retitled COUNCIL RESOLUTION NO. 15, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 15, 2002

A COUNCIL RESOLUTION reappointing William Schneider to the Board of Public Safety.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Board of Public Safety, the Council reappoints:

William Schneider

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 734, 2001 was retitled COUNCIL RESOLUTION NO. 16, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 16, 2002

A COUNCIL RESOLUTION reappointing Susie Davie to the Marion County Community Corrections Advisory Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Marion County Community Corrections Advisory Board, the Council reappoints:

Susie Davie

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2005. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 735, 2001 was retitled COUNCIL RESOLUTION NO. 17, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 17, 2002

A COUNCIL RESOLUTION reappointing Leslie Duvall to the Marion County Community Corrections Advisory Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Marion County Community Corrections Advisory Board, the Council reappoints:

Leslie Duvall

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2005. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 736, 2001 was retitled COUNCIL RESOLUTION NO. 18, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 18, 2002

A COUNCIL RESOLUTION reappointing Mary Stewart to the Marion County Community Corrections Advisory Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Marion County Community Corrections Advisory Board, the Council reappoints:

Mary Stewart

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2005. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 738, 2001 was retitled COUNCIL RESOLUTION NO. 19, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 19, 2002

A COUNCIL RESOLUTION reappointing Rondle W. Brewer to the Marion County Community Corrections Advisory Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Marion County Community Corrections Advisory Board, the Council reappoints:

Rondle W. Brewer

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2005. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 739, 2001 was retitled COUNCIL RESOLUTION NO. 20, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 20, 2002

A COUNCIL RESOLUTION reappointing Leonard Simpson to the Marion County Community Corrections Advisory Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Marion County Community Corrections Advisory Board, the Council reappoints:

Leonard Simpson

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2005. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 740, 2001 was retitled COUNCIL RESOLUTION NO. 21, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 21, 2002

A COUNCIL RESOLUTION reappointing Tony Buford to the Board of Public Works.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Board of Public Works, the Council reappoints:

Tony Buford

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 741, 2001 was retitled COUNCIL RESOLUTION NO. 22, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 22, 2002

A COUNCIL RESOLUTION reappointing Arno W. Haupt to the Board of Public Works.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Board of Public Works, the Council reappoints:

Arno W. Haupt

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 742, 2001 was retitled COUNCIL RESOLUTION NO. 23, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 23, 2002

A COUNCIL RESOLUTION reappointing Kenneth W. Hughes to the Board of Public Works.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Board of Public Works, the Council reappoints:

Kenneth W. Hughes

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 3, 2002 was retitled COUNCIL RESOLUTION NO. 24, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 24, 2002

A COUNCIL RESOLUTION approving the Mayor's appointment of Joseph L. B. Wynns as the Director of the Department of Parks and Recreation for a term ending December 31, 2002.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-3 of the "Revised code of the Consolidated City and County," a mayoral appointment of the Director of the Department of Parks and Recreation is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Joseph L. B. Wynns to serve as Director of the Department of Parks and Recreation at his pleasure for a term ending December 31, 2002; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Joseph L. B. Wynns is approved and confirmed by the City-County Council to serve as the Director of the Department of Parks and Recreation for a term ending December 31, 2002.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 4, 2002 was retitled COUNCIL RESOLUTION NO. 25, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 25, 2002

A COUNCIL RESOLUTION approving the Mayor's appointment of Robert B. Turner as the Director of the Department of Public Safety for a term ending December 31, 2002.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-3 of the "Revised code of the Consolidated City and County," a mayoral appointment of the Director of the Department of Public Safety is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Robert B. Turner to serve as Director of the Department of Public Safety at his pleasure for a term ending December 31, 2002; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Robert B. Turner is approved and confirmed by the City-County Council to serve as the Director of the Department of Public Safety for a term ending December 31, 2002.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 15, 2002 was retitled COUNCIL RESOLUTION NO. 26, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 26, 2002

A COUNCIL RESOLUTION approving the Mayor's appointment of Michael B. O'Connor as the Chief Deputy Mayor for a term ending December 31, 2002.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-4 of the "Revised code of the Consolidated City and County," a mayoral appointment of the Chief Deputy Mayor is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Michael B. O'Connor to serve as Chief Deputy Mayor at his pleasure for a term ending December 31, 2002; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Michael B. O'Connor is approved and confirmed by the City-County Council to serve as Chief Deputy Mayor for a term ending December 31, 2002.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 16, 2002 was retitled COUNCIL RESOLUTION NO. 27, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 27, 2002

A COUNCIL RESOLUTION approving the Mayor's appointment of Jane Henegar as the Deputy Mayor for Policy for a term ending December 31, 2002.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-4 of the "Revised code of the Consolidated City and County," a mayoral appointment of the Deputy Mayor for Policy is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Jane Henegar to serve as Deputy Mayor for Policy at his pleasure for a term ending December 31, 2002; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Jane Henegar is approved and confirmed by the City-County Council to serve as Deputy Mayor for Policy for a term ending December 31, 2002.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 17, 2002 was retitled COUNCIL RESOLUTION NO. 28, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 28, 2002

A COUNCIL RESOLUTION approving the Mayor's appointment of Carolyn M. Coleman as the Deputy Mayor for Neighborhoods for a term ending December 31, 2002.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-4 of the "Revised code of the Consolidated City and County," a mayoral appointment of the Deputy Mayor for Neighborhoods is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Carolyn M. Coleman to serve as Deputy Mayor for Neighborhoods at his pleasure for a term ending December 31, 2002; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Carolyn M. Coleman is approved and confirmed by the City-County Council to serve as Deputy Mayor for Neighborhoods for a term ending December 31, 2002.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 18, 2002 was retitled COUNCIL RESOLUTION NO. 29, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 29, 2002

A COUNCIL RESOLUTION approving the Mayor's appointment of Barbara A. Lawrence as the Director of the Department of Public Works for a term ending December 31, 2002.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-3 of the "Revised code of the Consolidated City and County," a mayoral appointment of the Director of the Department of Public Works is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Barbara A. Lawrence to serve as Director of the Department of Public Works at his pleasure for a term ending December 31, 2002; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Barbara A. Lawrence is approved and confirmed by the City-County Council to serve as the Director of the Department of Public Works for a term ending December 31, 2002.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 743, 2001. The proposal, sponsored by Councillor Massie, reappoints Robert Spear to the Alcoholic Beverage Board of Marion County. By a 7-0 vote, the Rules and Public Policy Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Massie, for adoption. Proposal No. 743, 2001 was adopted by a unanimous voice vote, with Councillor Bradford noted as an abstention.

Proposal No. 743, 2001 was retitled COUNCIL RESOLUTION NO. 30, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 30, 2002

A COUNCIL RESOLUTION reappointing Robert Spear to the Alcoholic Beverage Board of Marion County.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Alcoholic Beverage Board of Marion County, the Council reappoints:

Robert Spear

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 42, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which confirms the Marion County Public Defender Board's nomination of David Cook as Marion County Chief Public Defender"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 43, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$10,091 in the 2002 Budget of the County Sheriff (State and Federal Grants Fund) for the reimbursement of one officer's overtime who is assigned to the Indiana Joint Terrorism Task Force, funded by a grant from the FBI"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 44, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$200,000 in the 2002 Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) to continue funding the Community Court, funded by a federal grant (U.S. Department of Justice)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 45, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$28,200 in the 2002 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to purchase two electronic message trailers to be utilized by local law enforcement agencies when conducting seat belt enforcement zones, funded by a grant from the Governor's Council on Impaired & Dangerous Driving and the National Highway Traffic Safety Administration"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 46, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$113,263 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) for the funding of a mental health component and a conflict resolution services coordinator position, funded by Department of Corrections grants"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 47, 2002. Introduced by Councillor Coonrod. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal at 56th Street and Mitthoefer Road (District 5)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 48, 2002. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 18th Street and Medford Avenue (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 49, 2002. Introduced by Councillor Short. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Prospect Street between Leonard Street and St. Patrick Street (District 21)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 50, 2002. Introduced by Councillor Talley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Monterey Road between Marseille Road and Balboa Drive (District 14)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 51, 2002. Introduced by Councillor Massie. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Windermire Street from Bowman Avenue to Otterbein Avenue (District 20)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 53, 2002. Introduced by Councillor Tilford. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Philip Borst to the Capital Improvements Board of Managers"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 55, 2002. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which permits multiyear vaccination of cats and dogs"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 56, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Bruce Laetsch to the Citizens Police Complaint Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 57, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints David J. Certo to the Citizens Police Complaint Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

Councillor Bainbridge made the following motion:

Mr. President:

I move that Proposal No. 58, 2002 (Rezoning Case 2001-ZON-085) be scheduled for a hearing before this Council at its next regular meeting on February 11, 2002, at 7:00 p.m. and that the Clerk read the announcement of such hearing and enter same in the minutes of this meeting.

Councillor Smith seconded the motion, and Proposal No. 58, 2002 was scheduled for a public hearing on February 11, 2002 by a unanimous voice vote and is identified as follows:

2001-ZON-085
4665 WEST 16TH STREET (approximate address), TOWN OF SPEEDWAY.
WAYNE TOWNSHIP, COUNCILMANIC DISTRICT #8
CLASSIC MOTOR INN, INC., by Cameron F. Clark, requests a rezoning of 3.339 acres, being in the D-7 (FW) (FF) District, to the C-4 (FW) (FF) classification to legally establish a motel.

PROPOSAL NO. 59, 2002, PROPOSAL NOS. 60-62, 2002, and PROPOSAL NOS. 63-68, 2002. Introduced by Councillor Smith. Proposal No. 59, 2002, Proposal Nos. 60-62, 2002, and Proposal Nos. 63-68, 2002 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on January 23, 2002. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 7-16, 2002, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 7, 2002.
2001-ZON-132
2936, 2938, and 2940 NORTH KEYSTONE AVENUE (approximate address), INDIANAPOLIS.
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 10
BICYCLE ACTION PROJECT requests a rezoning of 0.364 acre, being in the D-5 District, to the SU-7 classification to provide for a not-for-profit institution.

REZONING ORDINANCE NO. 8, 2002.

2001-ZON-133

8404 NORTH MICHIGAN ROAD (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 2

ALDI (INDIANA) L.P. requests a rezoning of 2.69 acres, from C-S to C-S, to provide for a 23,183 square-foot retail/commercial center.

REZONING ORDINANCE NO. 9, 2002.

2001-ZON-145

10030 PENDLETON PIKE (approximate address), INDIANAPOLIS.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 5

GEORGE AND VOULA BEKAS, by Michael Rabinowitch, request a rezoning of 8.116 acres, being in the D-6, D-A, and I-4-S Districts, to the C-4 classification to provide for commercial development.

REZONING ORDINANCE NO. 10, 2002.

2001-ZON-154

8525 EAST TROY AVENUE (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23.

CIL, INC., by David A. Retherford, requests a rezoning of 30.427 acres, being in the C-S District, to the C-S classification to provide for auctioneering services, including the washing, sale, and repair of motor vehicles and C-5 commercial uses except recovery services, go-cart raceways, flea-markets, drive-in theaters, boat and canoe rental, fishing lake operation, and railroads.

REZONING ORDINANCE NO. 11, 2002.

2001-ZON-149

6509 EAST 75TH STREET (approximate address), INDIANAPOLIS.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 4

INSIGHT ENGINEERING, INC. requests a rezoning of 5.193 acres, being in the C-S District, to the C-S classification to provide for C-4, or community regional commercial uses, with proposed commitments that would terminate previous commitments associated with 99-Z-134 (petition 99-Z-134 permitted a miniature-golf establishment at this location).

REZONING ORDINANCE NO. 12, 2002.

2001-ZON-157

4901 EAST 31ST STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 10

JEFFREY L. THOMAS requests a rezoning of 1.925 acres, being in the D-5 District, to the SU-1 classification provide for religious uses.

REZONING ORDINANCE NO. 13, 2002.

2001-ZON-158

845 WEST 30TH STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 9

UNITED NORTHWEST AREA DEVELOPMENT CORPORATION, by Daniel T. Kozlowski, requests a rezoning of 0.1 acre, being in the C-3 District, to the D-5 classification to legally establish a single-family dwelling.

REZONING ORDINANCE NO. 14, 2002.

2001-ZON-859

5103 EAST WASHINGTON STREET (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13

SPEEDWAY SUPERAMERICA, LLC, by Philip A. Nicely, requests a rezoning-of 0.91 acre, being in the D-8 and C-3 Districts, to the C-3 classification to provide for the construction of a gasoline station/convenience store.

REZONING ORDINANCE NO. 15, 2002.

2001-ZON-860

4555 MARCY LANE (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT #6

ENGLISH VILLAGE ASSOCIATES, by David Kingen, requests a rezoning of 23.7 acres, being in the D-5 District, to the D-7 classification to legally establish 277 multi-family units, or 11.68 units per acre.

REZONING ORDINANCE NO. 16, 2002.

2001-ZON-862

4555 MARCY LANE (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT #6

ENGLISH VILLAGE ASSOCIATES, by David Kingen, requests a rezoning of 0.66 acre, being in the D-5 District, to the C-3 classification to provide for neighborhood commercial uses.

PROPOSAL NO. 41, 2002. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 41, 2002 on January 14, 2002. The proposal is an inducement resolution for Pleasant Run Apartments not to exceed \$13,000,000 which consists of the acquisition and rehabilitation of a 252-unit apartment complex on an approximately 16 acre parcel of land located at 1366 North Arlington Ave. (District 12). By a 4-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Smith moved, seconded by Councillor Coughenour, for adoption.

Councillor Moriarty Adams said that she will be abstaining from voting on this proposal to avoid the appearance of a conflict of interest.

Proposal No. 41, 2002 was adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford

0 NAYS:

2 NOT VOTING: Cockrum, Moriarty Adams

Proposal No. 41, 2002 was retitled SPECIAL RESOLUTION NO. 4, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 4, 2002

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana (the "Issuer") is authorized by IC 36-7-11.9 and IC 36-7-12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, renovation, construction, installation and equipping of said facilities, and said facilities to be either sold or leased to a company or the proceeds of the revenue bond issue may be loaned to the company and said facilities directly owned by the Company; and

WHEREAS, Finlay Interests 7, Ltd., a Florida limited partnership (the "Applicant"), has advised the Indianapolis Economic Development Commission (the "Commission") and the Issuer that it proposes that the Issuer either acquire certain economic development facilities and sell or lease the same to Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities consist of the acquisition and renovation of the existing 252-unit Pleasant Run Apartments located on an approximately 16 acre parcel of land at 1366 North Arlington Avenue, Indianapolis, Indiana (the "Project"); and

WHEREAS, the diversification of industry and the creation and retention of opportunities for gainful employment and the creation of business opportunities to be achieved by the acquisition and renovation of the Project will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and renovation of the Project will not have an adverse competitive effect on similar facilities already constructed or operating within the jurisdiction of the Issuer; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. It finds, determines, ratifies and confirms that the diversification of industry and the retention of opportunities for gainful employment within the jurisdiction of the Issuer, is desirable, serves a public purpose, and is of benefit to the health or general welfare of the Issuer; and that it is in the public interest that this Issuer take such action as it lawfully may to encourage the diversification of industry, the creation of business opportunities, and the creation and retention of opportunities for gainful employment within the jurisdiction of the Issuer.

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed \$13,000,000 under the Act to be privately placed or publicly offered if permitted under current Commission policy for the acquisition and renovation of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition and renovation of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition and renovation of the Project, this Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement resolution expires on August 31, 2002, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by this Council prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action, extends the term of this inducement resolution; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds (a) this inducement resolution is still in effect and (b) if applicable, the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year, it being understood that the Issuer, by taking this action, is not making any representation nor any assurances that (1) any such allocable limit will be available, because inducement resolutions in the aggregate amount in excess of the private activity bond limit may, and in all probability will, be adopted; (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions; and (3) no portion of such activity bond limit has been guaranteed for the proposed Project; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the date which is sixty (60) days prior to the adoption of this resolution, including reimbursement or repayment to the Applicant of monies expended by the Applicant for application fees, planning, engineering, underwriting expenses, attorney and bond counsel fees, and acquisition and renovation of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the Project to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the Project. Also certain indirect expenses incurred prior to such date will be permitted to be included as part of the bond issue to finance the Project in accordance with the Final Regulations (T 8476) on Arbitrage Restrictions on Tax-Exempt Bonds in particular Section 1.150-2.

SECTION 5. This Council recognizes that the Applicant intends to utilize Low Income Housing Tax Credits, if available, pursuant to Section 42 of the Internal Revenue Code of 1986, as amended, or any successor section thereof in connection with the financing of the Project with tax-exempt bonds.

SECTION 6. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 697, 2001. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 697, 2001 on January 16, 2002. The proposal, sponsored

by Councillors Dowden, Moriarty Adams, and Talley, approves the preliminary determination for Marion County to amend its lease with Building Authority in connection with its financing of improvements to a portion of the structures and improvements located at 730 East Washington Street and 752 East Market Street. By a 7-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Douglas said that he was not able to support the proposal in committee and will not support it this evening. While he realizes that the overcrowding of inmates is a critical issue and the judge's mandate needs to be addressed, he is concerned about how this solution will be paid for. He said that he believes the financing needs to be worked out before moving forward.

Councillor Nytes said that, as the Councillor in whose district this lease is being proposed, she would like to present some comments regarding this proposal following public input.

President SerVaas called for public testimony at 7:52 p.m.

Mark Easley, president of the Cole-Noble Commercial Arts District, which is the neighborhood association to the west of this building, said that he understands the need to address the judge's mandate, but there is a problem with this facility. He said that this particular building has no off-street parking available, and there are a great number of social service agencies within a two-block radius of this building. He said that he is in favor of the new program and what will be happening inside this building, but his concern is the impact it will have on their neighborhood. Marion County arrests 140 people a day, and 70 to 80 of those arrestees will be released into this immediate neighborhood. He said that there is not sufficient parking, and the neighborhood group would like some written commitments regarding the promise not to locate additional services, such as methadone clinics and bail bonding, in the building.

Michael Moriarty, Holy Cross-Westminster Neighborhood Association, which is the neighborhood located east of this building, said that he has serious concerns about the unavailability of parking, and possible release of arrestees directly into their neighborhood.

Julie Priest, business owner in the Cole-Noble Commercial Arts District, said that she shares concerns about parking, and feels that people may be wandering into their neighborhood asking to use phones and using parking meant for businesses. She said that she believes these concerns need to be further addressed before moving forward with this project.

John Burns, business owner in the vicinity of this property, reiterated that the parking needs to be addressed before moving forward with the project. He said that the neighborhood is already saturated with this type of facility, and he would prefer it be located somewhere else. He said in order to move forward, a parking garage would need to be built, which would further increase the cost.

Councillor Nytes said that the project represented in this proposal is only one of a number of solutions that the consultants recommended 19 months ago. Very little action was taken on the other solutions offered at that time, even though many of the other solutions involved procedural changes rather than borrowing money and remodeling buildings. These procedural changes are so fundamental that the City should be embarrassed to admit they have not already implemented them. She said that the impact of this project on the neighborhood she represents and the full cost and debt to taxpayers is not yet clear. She said that more work and more public input is needed on this project and she moved, seconded by Councillor Sanders, to table Proposal No. 697, 2001 to allow for further discussion on the implications of this project.

Councillor Horseman said that there has been no public discussion about how this project will be paid for and commitment of public resources without discussing funding is irresponsible government. She added that there may be a compromise that can be worked out with the neighbors, but sufficient time has not been given to do so. She said that this project is represented as urgent with only 60 days left before the judge begins fining the City. She said that there will be a hearing in April, and she believes the judge will weigh what is being done and grant an extension if needed.

Councillor Gibson said that other options have not been considered, in particular, how judges determine bail allocations. He said that the government seems to spend more and more money on incarceration instead of on programs that will help keep people out of jail. He said that the County is already in debt to the Boys School for the cost of keeping juveniles in jail, and he would rather the money be spent on opportunities to keep people out of jail. He said the proposal needs further dialogue.

Councillor Conley said that he believes a solution needs to be found, but further discussion is warranted, and he believes there is time to reach compromises.

Councillor Gray said that the district Councillor has a better grasp of the needs of the people in her particular community, and he supports her motion.

Councillor Borst said that he has been in meetings regarding this issue throughout this process, and this project actually will keep people out of jail, as Councillor Gibson has advocated. He said that the average stay of an arrestee will be cut down from three days to less than a day with this new process. He said that many procedural changes have already taken place to try and address this problem, and they have not been sufficient. He explained that the arresting process has gone from 244 steps to 75 steps, and the process and new facility will eventually save money down the road, and keep people out of jail who really do not need to be in jail. He said that he sympathizes with the neighbors, but he does not believe people will be focusing on this neighborhood and will be released toward Washington Street. He said that arrestees will know when they will be released and will be able to make phone calls for rides from the facility and will not be released in large groups. He said that he believes DPS will work with the neighbors to address their concerns, and he urged the Council to pass the proposal this evening and move forward.

Councillor Talley said that he agrees with Councillor Borst and said that he was a part of the task force and several locations were considered. He said that a lot of time and effort has gone into this issue and a great deal of public discussion has taken place. He said that he believes this is the best location, and he supports the proposal.

Councillor Moriarty Adams said that she has worked on several jail review processes over the years, and she believes the efficiencies that will be gained by adding this processing center will address the federal mandate to reduce inmate population. She said that the working groups have been working on this very serious issue for many months, and they will continue to work on this issue and resolve neighborhood concerns. She said that she believes the Council needs to move forward, and adding a parking garage is too expensive at this time. She added that she believes the parking issues can be worked out fairly easily.

Councillor Schneider said that he is also concerned about how the City will pay for this project, as well as he is concerned about how the City pays for everything. However, public safety is by far the most important issue on people's minds and is the most legitimate function of local

government. He said that a lot of time has been invested in this plan and he believes it is a priority.

Councillor Massie said that while there is a concern about how the City will pay for this project, there is also a concern that the City will be under a court-imposed fine that is cumulative if they do not address the problem. He said that the City has had success in the past using a task force or working group to address public safety concerns. He said that the City should take definitive steps to avoid the penalty and trust a process that has served them well to answer critical funding issues. He added that the working group has been working with the neighbors, and at the onset, neighbors were opposed to a parking garage. He said that he believes a compromise can be reached with the neighbors on the parking issue as the project moves forward.

Councillor Sanders said that she knows negotiations have gone on for several months, and this location is a sound one, but she believes some of the commitments need to be in writing before moving forward. She said that she does not believe postponing the proposal for a few weeks for further discussion will hinder the project in any way.

Councillor Coughenour said that extra parking for staff has been identified and she believes the proposal could be passed along with the encouragement of asking the working group to resolve the problems expressed here this evening.

Councillor Dowden said that the task force has worked for many months and has given this issue a lot of consideration with several public meetings and financial people involved throughout the entire process. He said that no permanent financing plan has yet been reached, but financial people have been involved from the beginning, and the working group is committed to addressing issues that have been raised this evening.

Councillor Nytes said that a lot of work has been spent on the re-design of the process and the internal building changes, but the impact on the external environment was not discussed. She added that all she has seen is a cash flow plan, but there has been no discussion regarding how this borrowing will be paid back. She added that the plan includes additional jail beds on the upper floors of this building and, therefore, it will not eliminate the need for more jail beds. She said that this may be a good step to improve the process, but feels more analysis is still needed. She said that the intent of her motion is to initiate further discussion, and she withdrew her motion to table, and moved to return the proposal to committee for further review. Councillor Sanders withdrew her second on the motion to table and seconded the motion to return the proposal to committee.

The motion to return Proposal No. 697, 2001 to committee failed on the following roll call vote; viz:

14 YEAS: Black, Boyd, Brents, Conley, Coughenour, Douglas, Gibson, Gray, Horseman, Knox, Nytes, Sanders, Short, Soards

15 NAYS: Bainbridge, Borst, Bradford, Cockrum, Coonrod, Dowden, Langsford, Massie, McWhirter, Moriarty Adams, Schneider, SerVaas, Smith, Talley, Tilford

Councillor Dowden moved, seconded by Councillor Talley, for adoption. The motion carried by the following roll call vote; viz:

18 YEAS: Bainbridge, Borst, Bradford, Cockrum, Coonrod, Coughenour, Dowden, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Schneider, SerVaas, Smith, Soards, Talley, Tilford

11 NAYS: Black, Boyd, Brents, Conley, Douglas, Gibson, Gray, Horseman, Nytes, Sanders, Short

Proposal No. 697, 2001 was retitled SPECIAL RESOLUTION NO. 5, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 5, 2002

A SPECIAL RESOLUTION approving the preliminary determination for Marion County, Indiana ("County"), as lessee, to amend its lease with the Indianapolis-Marion County Building Authority ("Building Authority"), as lessor, in connection with its financing of improvements to a portion of the structures and improvements, located at 730 East Washington Street, Indianapolis, Indiana and 752 East Market Street, Indianapolis, Indiana (collectively, "Leased Premises").

WHEREAS, the City-County Council of the City of Indianapolis and Marion County, Indiana ("City-County Council"), have previously entered into a lease ("1997 Lease") for the Leased Premises, which annual lease rentals are used to pay the principal of, and interest on the Indianapolis-Marion County Building Authority Jail Building Bonds of 1997 (the "1997 Bonds"); and

WHEREAS the City-County Council and the Building Authority have given consideration to the renovation of all or a portion of the warehouse located at 752 East Market Street, Indianapolis, Indiana ("Warehouse"), for the primary purpose of using the Warehouse, once renovated, as an intake, processing, holding, and housing facility for persons in the custody of law enforcement (the "Lock-Up Facilities"); and

WHEREAS, the 1997 Lease must be amended to provide for the leasing of additional improvements to the Leased Premises hereinafter defined as the Project by the Building Authority to the County for a maximum lease term of twenty-five (25) years and a maximum annual lease rental of \$1,272,000 (the "Lease Amendment"), which annual lease rentals will be used to pay the principal of, and interest on the proposed additional revenue bonds to be issued by the Building Authority for the Project, as such term is defined below; and

WHEREAS, pursuant to Indiana Code § 6-1.1-20-3.1, if the City-County Council proposes to impose additional property taxes to pay debt service or lease rentals on any construction, renovation, improvement, remodeling, alteration or expansion project, which is not excluded under Indiana Code § 6-1.1-20-1.1, it must conduct a public hearing on the preliminary determination to proceed with the project prior to the City-Council Council's adoption of any resolution or ordinance making a preliminary determination to issue bonds or enter into a lease; and

WHEREAS, notice of said hearing has been given in accordance with Indiana law; and

WHEREAS, interested parties have been given the opportunity to present testimony and ask questions concerning the proposed renovation of all or a portion of the Warehouse, for the primary purpose of using the Warehouse, once renovated, as Lock-Up Facilities (as hereinafter more fully described, "Project"), and this City-County Council has heard public input concerning the Project at a public hearing held this date; and

WHEREAS, the City-County Council being duly advised, finds that it is in the best interests of the City of Indianapolis, Indiana ("City"), the County, and its citizens to enter into negotiations with the Building Authority to issue additional bonds to finance renovations to all or a portion of the Warehouse, and for the County to amend its lease with the Building Authority, as lessor, for an additional term and to increase the lease rental payments to pay the Building Authority for such renovations in order to better serve the residents of the City and the County; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA

SECTION 1. The City-County Council hereby makes a preliminary determination for the County to amend the 1997 Lease, pursuant to which the Building Authority will renovate, construct and equip all or a portion of the Warehouse for the primary use as an intake, processing, holding, and housing facility for persons in the custody of law enforcement consisting of renovations and improvements to all or a portion of the basement,

all four floors, the exterior, and site of the Warehouse to allow for a new lock-up facility, and provide for additional inmate holding and housing, office space and clerical support space for City and/or County employees, and other program and service areas (collectively, "Project"). The Building Authority will finance all or a portion of the Project through the issuance of additional revenue bonds by the Building Authority, as lessor, in the maximum principal amount of \$14,580,000. The Lease Amendment is for a maximum term of twenty-five (25) years, beginning on date the Project is complete and ready for occupancy. The estimated interest rates that will be paid on the additional bonds in connection with the Lease Amendment will range from four percent (4.0%) to six and three tenths percent (6.3%) (for an overall estimated average interest rate of five and seven tenths percent (5.7%) per annum), and the total interest costs associated with the Lease Amendment are \$11,410,100. Including interest costs, the Lease Amendment will have a maximum annual lease rental of \$1,272,000 to be paid by the County for the Project, once the Project is renovated, completed and ready for occupancy, and the maximum lease rental over the term of the lease is \$24,880,000.

SECTION 2. A notice of the foregoing preliminary determination to amend the 1997 Lease shall be given in accordance with Indiana Code § 6-1.1-20-3.1.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 7, 8, 9, and 11-14, 2002 on January 16, 2002. He asked for consent to vote on Proposal Nos. 7, 8, 9, 11, and 13, 2002 together. Consent was given.

PROPOSAL NO. 7, 2002. The proposal approves an increase of \$19,716 in the 2002 Budget of the County Sheriff (State and Federal Grants Fund) for the reimbursement of two officers' overtime assigned to the FBI Task Force Program, funded by a FBI Task Force Grant. PROPOSAL NO. 8, 2002. The proposal approves an increase of \$9,461 in the 2002 Budget of the County Sheriff (State and Federal Grants Fund) for a one-time reimbursement for one officer's salary assigned to the Drug Enforcement Administration, funded by a grant from the Department of Justice, Drug Enforcement Administration. PROPOSAL NO. 9, 2002. The proposal approves an increase of \$23,715 in the 2002 Budget of the Marion County Justice Agency (State and Federal Grants Fund) for the development of the Indianapolis Violence Reduction Partnership Crime Database Web Application, funded by a grant from the Indiana Criminal Justice Institute (Local match of \$7,950 is funded by existing appropriations in the Marion County Justice Agency budget.). PROPOSAL NO. 11, 2002. The proposal approves an increase of \$505,506 in the 2002 Budgets of the County Auditor and Community Corrections (Home Detention Fund) to appropriate the second half of fiscal year 2001-2002 Home Detention Fund to fund personnel, home detention equipment, and office supplies. PROPOSAL NO. 13, 2002. The proposal approves an increase of \$15,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to appropriate an Indiana Supreme Court grant for the Family Group Conferencing Program. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President SerVaas called for public testimony at 8:49 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Talley, for adoption. Proposal Nos. 7, 8, 9, 11, and 13, 2002 were adopted on the following roll call vote; viz:

25 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford

0 NAYS:

4 NOT VOTING: Gibson, Gray, Horseman, Nytes

Proposal No. 7, 2002 was retitled FISCAL ORDINANCE NO. 1, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 1, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Nineteen Thousand Seven Hundred Sixteen Dollars (\$19,716) in the State and Federal Grants Fund for purposes of the County Sheriff and reducing the unappropriated and unencumbered balance in the State and Federal Grant Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.(f) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of a reimbursement to the County Sheriff for two officers' overtime assigned to the FBI Task Force Program.

SECTION 2. The sum of Nineteen Thousand Seven Hundred Sixteen Dollars (\$19,716) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY SHERIFF</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	19,716
TOTAL INCREASE	19,716

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	19,716
TOTAL REDUCTION	19,716

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 8, 2002 was retitled FISCAL ORDINANCE NO. 2, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 2, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Nine Thousand Four Hundred Sixty-one Dollars (\$9,461) in the State and Federal Grants Fund for purposes of the County Sheriff and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.(f) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes for a one-time reimbursement to the County Sheriff for one officer's salary assigned to the Drug Enforcement Administration.

SECTION 2. The sum of Nine Thousand Four Hundred Sixty-one Dollars (\$9,461) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY SHERIFF</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	<u>9,461</u>
TOTAL INCREASE	9,461

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>9,461</u>
TOTAL REDUCTION	9,461

SECTION 5. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 9, 2002 was retitled FISCAL ORDINANCE NO. 3, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 3, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Twenty Three Thousand Seven Hundred Fifteen Dollars (\$23,715) in the State and Federal Grants Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (i) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency to appropriate funds for the development of the Indianapolis Violence Reduction Partnership Crime Database Web Application. This will enhance information gathering and dissemination of crime information among local, state and federal agencies.

SECTION 2. The sum of Twenty Three Thousand Seven Hundred Fifteen Dollars (\$23,715) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>23,715</u>
TOTAL INCREASE	23,715

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>23,715</u>
TOTAL REDUCTION	23,715

SECTION 5. The local match of \$7,905 is funded by the following existing appropriations in the Marion County Justice Agency budget and is hereby approved:

Existing appropriation for the Marion County Justice Agency:

	<u>LAW ENFORCEMENT FUND</u>
3. Other Services and Charges	<u>7,905</u>
TOTAL MATCH	7,905

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 11, 2002 was retitled FISCAL ORDINANCE NO. 4, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 4, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Five Hundred Five Thousand Five Hundred Six Dollars (\$505,506) in the Home Detention User Fee Fund for purposes of the County Auditor and Community Corrections and reducing the unappropriated and unencumbered balance in the Home Detention Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(g) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Community Corrections to appropriate the second half of fiscal year 2001-2002 Home Detention Fund to fund personnel, home detention equipment, and office supplies.

SECTION 2. The sum of Five Hundred Five Thousand Five Hundred Six Dollars (\$505,506) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>HOME DETENTION FUND</u>
1. Personal Services -fringes	92,190
<u>COMMUNITY CORRECTION</u>	
1. Personal Services	212,767
2. Supplies	15,500
3. Other Services and Charges	167,549
4. Capital Outlay	<u>17,500</u>
TOTAL INCREASE	505,506

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>HOME DETENTION FUND</u>
Unappropriated and Unencumbered	
Home Detention Fund	<u>505,506</u>
TOTAL REDUCTION	505,506

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 13, 2002 was retitled FISCAL ORDINANCE NO. 5, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 5, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97 2001) appropriating an additional Fifteen Thousand Dollars (\$15,000) in the State and Federal Grants Fund for purposes of the Marion County Superior Court, Juvenile Division, and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (j) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court, Juvenile Division, to appropriate an Indiana Supreme Court grant for the Family Group Conferencing Program.

SECTION 2. The sum of Fifteen Thousand Dollars (\$15,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

MARION COUNTY SUPERIOR COURT

JUVENILE DIVISION

3. Other Services and Charges

TOTAL INCREASE

STATE AND FEDERAL GRANTS FUND

15,000

15,000

SECTION 4. The said additional appropriation is funded by the following reductions:

STATE AND FEDERAL GRANTS FUND

Unappropriated and Unencumbered

State and Federal Grants Fund

TOTAL REDUCTION

15,000

15,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 14, 2002. The proposal approves an increase of \$2,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to appropriate an AWI (Automated Wagering International) grant to purchase supplies for children's programs. By a 7-0 vote, the Committee postponed the proposal. Councillor Dowden moved, seconded by Councillor Talley, to postpone Proposal No. 14, 2002 until February 11, 2002. Proposal No. 14, 2002 was postponed by a unanimous voice vote.

PROPOSAL NO. 12, 2002. The proposal approves an increase of \$45,000 in the 2002 Budgets of the County Auditor and Marion County Superior Court (State and Federal Grants Fund) to hire a Family Court Coordinator (Family Court Pilot Project), funded by a state grant. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Schneider said that he voted against the proposal in committee because it is a new position that has no on-going funding identified and government continues to grow.

President SerVaas called for public testimony at 8:52 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal No. 12, 2002 was adopted on the following roll call vote; viz:

21 YEAS: Bainbridge, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Douglas, Dowden, Gibson, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Sanders, SerVaas, Short, Smith, Soards, Tilford

3 NAYS: Black, Bradford, Schneider

5 NOT VOTING: Coughenour, Gray, Horseman, Nytes, Talley

Proposal No. 12, 2002 was retitled FISCAL ORDINANCE NO. 6, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 6, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Forty-five Thousand Dollars (\$45,000) in the State and Federal Grants Fund for purposes of the County Auditor and Marion County Superior Court reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(j) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Marion County Superior Court to hire a Family Court Coordinator (Family Court Pilot Project).

SECTION 2. The sum of Forty-five Thousand Dollars (\$45,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services -fringes	9,000
 <u>MARION COUNTY SUPERIOR COURT</u>	
1. Personal Services	36,000
TOTAL INCREASE	45,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	45,000
TOTAL REDUCTION	45,000

SECTION 5. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 40, 2002. The proposal, sponsored by Councillor Massie, approves an increase of \$75,000 in the 2002 Budget of the City-County Council (Consolidated County Fund) to provide for redistricting expenses, anticipated but not encumbered in 2001, financed by fund balances. Councillor Coonrod reported that the Administration and Finance Committee has not yet heard Proposal No. 40, 2002. He moved, seconded by Councillor Tilford, to postpone

Proposal No. 40, 2002 until February 11, 2002. Proposal No. 40, 2002 was postponed by a unanimous voice vote.

SPECIAL ORDERS - FINAL ADOPTION

Councillor Smith reported that the Metropolitan Development Committee heard Proposal Nos. 666 and 698, 2001 and Proposal No. 32, 2002 on January 14, 2002. He asked for consent to vote on these proposals together, as they all deal with the same subject matter. Consent was given.

PROPOSAL NO. 666, 2001. The proposal, sponsored by Councillors Smith, Boyd, and Nytes, amends Chapter 536 of the Revised Code regarding building standards and procedures. PROPOSAL NO. 698, 2001. The proposal, sponsored by Councillors Smith and Gray, amends the zoning ordinances to reflect the consolidation of the department of public works and the department of capital asset management into one department under the name of "department of public works," to reflect the reorganization of the division of permits of the department of metropolitan development under the new name "division of compliance," and to make corresponding technical corrections (01-AO-02). PROPOSAL NO. 32, 2002. The proposal, sponsored by Councillors Smith and Nytes, reorganizes the division of permits of the department of metropolitan development under the new name "division of compliance," to assign certain powers and duties to such division including duties previously assigned to other divisions and departments, and to make corresponding technical corrections to numerous sections of the Code. By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Smith moved, seconded by Councillor Nytes, for adoption. Proposal Nos. 666 and 698, 2001 and Proposal No. 32, 2002 were adopted on the following roll call vote; viz:

23 YEAS: Bainbridge, Black, Boyd, Bradford, Brents, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Tilford

0 NAYS:

6 NOT VOTING: Borst, Cockrum, Gray, Horseman, Short, Talley

Proposal No. 666, 2001 was retitled GENERAL ORDINANCE NO. 1, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 1, 2002

PROPOSAL FOR A GENERAL ORDINANCE to amend the "Revised Code of the Consolidated City and County" regarding building standards and procedures.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Chapter 536 of the "Revised Code of the Consolidated City and County" regarding buildings and construction hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Chapter 536

BUILDINGS AND CONSTRUCTION

ARTICLE I. GENERAL PROVISIONS

Sec. 536-101. Title.

This chapter and all matter included herein by reference shall comprise and be known as the "Building Standards and Procedures of the Consolidated City of Indianapolis."

Sec. 536-102. Chapter ~~remedial~~ purpose.

This chapter is ~~hereby declared to be remedial~~ and shall be construed in such a manner as to effectuate its purpose, which is to protect the life, public safety, health and general welfare of the citizens of the Consolidated City of Indianapolis.

Sec. 536-103. Severability.

If for any reason any article, division, section, subsection, sentence or phrase of this chapter or the application thereof to any person or circumstance is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this chapter.

Sec. 536-111. Definitions.

Unless otherwise clearly indicated by the context, the terms defined in this section shall have the specified meanings when used in this chapter and chapter 875⁺. If a term defined in this section is inconsistent or conflicts with any term defined in a rule promulgated by the fire prevention and building safety commission, then the term, as defined by the fire prevention and building safety commission, will be applied to the rules promulgated by the fire prevention and building safety commission and incorporated by reference under Article VIII of this chapter.

(a) *Building equipment* means any machine, device, apparatus or material located in or connected directly to a new or existing structure which is used by an occupant to supply or distribute water, remove wastes, supply or transmit electricity, supply or distribute fuel, create conditions of heat or of cold or accomplish the movement of air, used as part of permanent heating, ventilation, air conditioning, electrical, plumbing sanitary, emergency detection, emergency communication, or fire or explosion systems.

(b) *Building standards and procedures* means regulations, standards or requirements relative to either construction activity or the condition of existing structures or building equipment established by or under federal law, state law or city ordinances. Building standards and procedures shall specifically include rules promulgated by the ~~Indiana Department of Fire and Building Services~~ Fire Prevention and Building Safety Commission, adopted herein by reference, and the substantive and procedural provisions of this chapter.

(c) *Class 1 structure* means any part of the following:

- (1) A building or structure that is intended to be or is occupied or otherwise used in any part by any of the following:
 - a. The public;
 - b. Three (3) or more tenants; or
 - c. One (1) or more persons who act as the employees of another.
- (2) A site improvement affecting access by persons with physical disabilities to a building or structure described in subdivision (1).
- (3) Any class of buildings or structures that the Indiana Fire Prevention and Building Safety Commission determines by rules to affect a building or structure described in subdivision (1).

Class 1 structure includes a structure that contains three (3) or more condominium units (as defined in IC 32-1-6-2) or other units that:

- (1) Are intended to be or are used or leased by the owner of the unit; and
- (2) Are not completely separated from each other by an unimproved space.

Class 1 structure does not include a building or structure that:

- (1) Is intended to be or is used only for an agricultural purpose on the land where it is located; and
- (2) Is not used for retail trade or is a stand used for retail sales of farm produce for eight (8) or less consecutive months in a calendar year.

Class 1 structure does not include a Class 2 structure or a vehicular bridge.

(d) Class 2 structure means any part of the following:

- (1) A building or structure that is intended to contain or contains only one (1) dwelling unit or two (2) dwelling units unless any part of the building or structure is regularly used as a Class 1 structure.
- (2) An outbuilding for a structure described in subdivision (1), such as a garage, barn, or family swimming pool, unless any part of the outbuilding is regularly used as a Class 1 structure.

Class 2 structure does not include a vehicular bridge.

~~(ee) Construction activity means the erection, construction, placement, repair, alteration, conversion, removal, demolition, maintenance, moving, razing or remodeling of any new or existing structure or any part thereof; or the construction, installation, extension, repair, alteration, conversion, removal or maintenance of building equipment; provided, however, the phrase "construction activity" shall not include the construction, alteration, repair or maintenance of airplanes, boats, railroad rolling stock or motor vehicles; the manufacture or shop repair of building equipment; the installation, alteration, maintenance or repair of water supply lines from a public utility to a structure; the installation, alteration, maintenance or repair of gas supply lines from a public utility to a structure; the construction, installation, alteration, repair or maintenance of apparatus and equipment used by telegraph companies, electrical utility and telephone companies in the direct provision of services to the public; or the installation, alteration, maintenance or repair by an electrical utility of a system distributing electrical power to service equipment supplying power to factory constructed dwellings located in a mobile home park.~~ means any of the following:

- (1) Fabrication of any part of an industrialized building system or mobile structure for use at another site;
- (2) Erection or assembly of any part of a Class 1 or Class 2 structure at the site where it will be used;
- (3) Installation of any part of the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion suppression systems for a Class 1 or Class 2 structure at the site where it will be used;
- (4) Work undertaken to alter, remodel, rehabilitate, or add to any part of a Class 1 or Class 2 structure; or
- (5) Work undertaken to relocate any part of a Class 1 or Class 2 structure, except a mobile structure.

(df) Cooling system means a system which utilizes a source of energy to accomplish the cooling (not below a constant temperature of sixty (60) degrees Fahrenheit) of more than one (1) partitioned space in a structure or to accomplish the cooling of all or part of a structure by distribution of air through ductwork extending more than twelve (12) inches from the appliance collars, or distribution of liquid or vapor through on-site piping.

(eg) Electrical power distribution system means a system for the distribution of electrical current both within and on the exterior of a structure, from an electrical power source to receptacles or equipment which uses electricity; provided, however, that class 2 and class 3 circuits (as defined by the National Electrical Code) shall not be considered part of an electrical power distribution system for purposes of this definition.

(fh) Heating system means a system which utilizes a source of energy including, but not limited to, electricity, fossil fuels, geothermal, solar and wind, to accomplish the warming of more than one (1) partitioned space in a structure or to accomplish the warming of all or part of a structure by distribution of air through ductwork extending more than twelve (12) inches from the appliance collars, or distribution of liquid or vapor through on-site piping; provided, however, that a structural design which utilizes largely natural means to cause flow of thermal energy from the sun to accomplish warming of all or part of a structure shall not be considered a heating system for purposes of this definition.

(i) Industrialized building system means any part of a building or other structure that is in whole or in substantial part fabricated in an off-site manufacturing facility for installation or assembly at the building site as part of a Class 1 structure, a Class 2 structure, or another building or structure. However, the term does not include a mobile structure or a system that is capable of inspection at the building site.

(j) Manufactured home has the meaning set forth in 42 U.S.C. 5402 as it existed on January 1, 1984.

(k) Mobile structure means any part of a fabricated unit that is designed to be:

(1) Towed on its own chassis; and

(2) Connected to utilities for year-round occupancy or use as a Class 1 structure, a Class 2 structure, or another structure.

The term includes the following:

(1) Two (2) or more components that can be retracted for towing purposes and subsequently expanded for additional capacity; or

(2) Two (2) or more units that are separately towable but designed to be joined into one (1) integral unit.

(gl) One- or two-family residential structure means a one-family dwelling structure, a two-family dwelling structure or any accessory structure appurtenant to either a one-family dwelling structure or two-family dwelling structure.

(hm) Ordinary maintenance and repair means construction ~~activity~~ commonly accomplished in or on an existing structure ~~or existing building equipment~~ for the purpose of preventing deterioration or performance deficiencies, maintaining appearance, or securing the original level of performance. Preventing deterioration or deficient performance shall include such activities as caulking windows, painting, pointing bricks, oiling machinery and replacing filters. Maintaining appearance shall include such activities as sandblasting masonry and cleaning equipment. Securing the original level of performance shall include such activities as replacing broken glass, patching a roof, disassembling and reassembling a piece of building equipment, welding a broken part and replacing a component of a heating system (but not a furnace) with an identical component. Ordinary maintenance and repair shall not include any construction ~~activity~~ which alters the prior or initial capacity, performance specifications, type of required energy or functional features of an existing structure or building equipment.

(in) Person means an individual human being.

(jo) Refrigeration equipment means equipment which utilizes a source of energy to accomplish the cooling of a space or materials to a constant temperature below sixty (60) degrees Fahrenheit, typically for such purposes as food storage, mechanical fabrication, or industrial processing; provided, however, that plug-in electrical appliances such as freezers or icemakers that do not require more than twelve (12) amperes of current at a nominal one hundred fifteen (115) volts shall not be considered refrigeration equipment for purposes of this definition.

(kp) Service equipment means the necessary equipment, usually consisting of a circuit breaker or switch and fuses and their accessories, located near the point of entrance of electrical supply conductors to a structure or an otherwise defined area, intended to constitute the main control and means of cutoff of the electrical supply.

(lq) Space cooling equipment means equipment which utilizes a source of energy to accomplish the cooling (not below a constant temperature of sixty (60) degrees Fahrenheit) of an unpartitioned space within a structure in which the equipment is located without the use of ~~ductwork~~ duct work for the distribution of air extending more than twelve (12) inches beyond the appliance collars or the use of on-site piping for the distribution of liquid or vapor; provided, however, that plug-in electrical appliances such as window air conditioners that do not require more than twelve (12) amperes of current at a nominal one hundred fifteen (115) volts shall not be considered space cooling equipment for purposes of this definition.

(mr) Space heating equipment means equipment which utilizes a source of energy including, but not limited to, electricity, fossil fuels, geothermal, solar and wind, to accomplish the warming of an unpartitioned space within a structure in which the equipment is located without the use of air distribution ductwork which extends more than twelve (12) inches beyond the appliance collars or the use of on-site piping for the distribution of liquid or vapor; provided, however, that the following shall not be considered space heating equipment for purposes of this definition:

(1) Plug-in electrical appliances such as freestanding room heaters that do not require more than twelve (12) amperes of current at a nominal one hundred fifteen (115) volts;

(2) Self-contained fireplaces; and

- (3) A structural design which utilizes largely natural means to cause flow of thermal energy from the sun to accomplish warming of all or part of a structure.

(~~ns~~) *Structure* means that which is built or constructed, such as an edifice or building of any kind, or any piece of work artificially built up or composed of parts formed together in some definite manner, or any part thereof. The word "structure" shall not include improvements such as public roadways or bridges.

Sec. 536-121. Administration of building code.

~~The administrator of the neighborhood and development services division, director of the department of metropolitan development, or his designee, shall administer and enforce the provisions of this chapter. Whenever in this chapter, it is provided that anything must be done to the approval of or subject to the direction of the director of the department of metropolitan development or any other officer of the City of Indianapolis, this shall be construed to give such officer only the discretion of determining whether this code has been complied with; and no such provisions shall be construed as giving any officer discretionary powers as to what this code shall be, or power to require conditions not prescribed by ordinances or to enforce this chapter in an arbitrary or discriminatory manner. Any variance from adopted building rules promulgated by the fire prevention and building safety commission are subject to approval under IC 22-13-2-7.~~

Sec. 536-122. Territorial application.

This chapter shall be applicable throughout the territorial limits of the consolidated city.

Sec. 536-123. Subject matter application.

All construction ~~activity~~ shall be accomplished in compliance with the provisions of this chapter. All existing structures and existing building equipment shall be subject to the provisions of this chapter. This chapter shall not apply to industrialized building systems or mobile structures certified under IC 22-15-4; provided, however, any construction not certified under IC 22-15-4 related to an industrialized building system or mobile structure shall comply with the provisions of this chapter and the rules promulgated by the fire prevention and building safety commission.

Sec. 536-124. Discretion to modify forms.

~~The administrator of the neighborhood and development services division~~ director of the department of metropolitan development, or his designee, is authorized to modify any of the forms set forth in this Chapter 536 so long as the altered form requests the same basic information. The ~~administrator~~ director, or his designee, for example, may replace questions, add reasonably related questions or explanatory material, reformat the form or combine the form with another form. The ~~administrator~~ director, or his designee, may authorize the form to be completed, used or stored electronically.

ARTICLE II. BUILDING PERMITS AND DESIGN AND SUPERVISION

Sec. 536-201. When building permits required; enforcement.

(a) *Permit required.* Except for construction ~~activity~~ specified in subsections (b) and (c), it shall be unlawful for a person, partnership or corporation to engage in any construction or demolition or removal of structures ~~activity in the city~~ unless a written building permit issued by the ~~neighborhood and development services division of compliance~~ describing the activity has been obtained by and is in force relative to the person, partnership or corporation which is actually accomplishing, supervising accomplishment or is contractually responsible for accomplishment of the construction ~~activity~~ allowed by the building permit. A violation of this section is subject to the enforcement procedures and penalties provided in section 103-3 of this Code; provided, however, the fine imposed for such violation shall not be less than one hundred dollars (\$100.00), and each day that an offense continues shall constitute a separate violation. The city controller shall cause any fines collected under this section to be deposited into an account for the use and benefit of the department of metropolitan development.

(b) *Exemptions for one- and two-family dwellings.* With respect to ~~one- or two-family residential structures, their appurtenances, and accessory structures~~ Class 2 structures, the permit specified in subsection (a) shall not be required for:

- (1) Replacement of exterior prime doors and windows (limited to like for like in a wall opening of the same dimensions which does not reduce the egress required by code provision existing at the time the building was constructed) if performed by a listed contractor that complies with the notice and posting requirements of section 536-216; additionally, a person who owns or is purchasing a ~~one-~~

~~or two-family residential~~ Class 2 structure on contract with intention to utilize the property for his or ~~her~~ her own occupancy may likewise replace without permit prime doors and windows in such structure; or

- (2) Replacement of an existing roof if performed by a listed contractor that complies with the notice and posting requirements of section 536-216; and that construction does not involve:
 - a. A change in roof configuration; or
 - b. A change in type of roof covering (e.g., tile roofing replacing asphalt shingles) that would increase the dead load on the structure; or
 - c. The replacement of basic structural members that support the roof (e.g., replacement of a rafter or more than one hundred twenty-eight (128) feet of decking); or
 - d. The installation of heat-applied roofing material.

Additionally, a person who owns or is purchasing a ~~one- or two-family residential~~ Class 2 structure on contract with the intention to utilize the property for his or her own occupancy may affix without permit a layer of replacement shingles to a single layer of existing shingles provided that a layer of shingles is not removed and provided that the total shingle-roof application is performed by the owner or contract purchaser with assistance only by noncompensated volunteers;

- (3) Installation and replacement of exterior siding if performed by a listed contractor that complies with the notice and posting requirements of section 536-216; additionally, a person who owns or is purchasing a ~~one- or two-family residential~~ Class 2 structure on contract with the intention to utilize the property for his or her own occupancy may attach without permit a layer of siding to the existing sheathing without removal of existing sheathing, provided that the total siding application is performed by the owner or contract purchaser assisted only by noncompensated volunteers; or
- (4) Ordinary maintenance and repair of a structure where the work does not reduce performance or create additional health or safety risks as defined in section 536-111(h); or
- (5) Installation and replacement of fixtures attached to the walls or floors such as cupboards, cabinets, shelving, railings, tracks, wall and floor coverings, and doors; or
- (6) Installation, maintenance and repair of storm windows and other exterior windows designed and used as protection against severe weather; or
- (7) Exterior repair or renovation of a masonry chimney above the roof line that does not reduce the size of the flue opening; or
- (8) Gutter replacement or installation; or
- (9) Attachment of window awnings to exterior walls where the awnings project not more than forty-eight (48) inches from any wall; or
- (10) Installation of thermal insulation; or
- (11) Installation of additional non-load bearing walls that do not result in the creation of sleeping rooms; provided however, permits are required (except as otherwise specifically exempted by provisions of this section) for electrical, heating and cooling, or plumbing work; or
- (12) Replacement of an attic fan, bathroom exhaust fan, range hood exhaust fan or whole house fan; or
- (13) ~~Construction~~ Erection or installation of a fence or structural barrier in conformance with zoning requirements and any necessary certificates of appropriateness in a historic district; or
- (14) ~~Construction~~ Erection or installation of an aboveground swimming pool thirty (30) inches or less deep and fifteen (15) feet or less at its widest points; or
- (15) ~~Construction~~ Erection or installation of a deck where:
 - a. No part of the floor is more than thirty (30) inches above finished grade; and
 - b. There is compliance with the assessor notification requirements of section 536-215; or

- (16) Erection of retaining walls which are not over four (4) feet in height measured from the lowest finished grade to the top of the wall, unless the walls are supporting a surcharge; or
 - (17) ~~Construction~~ Erection of a structure which spans one hundred twenty (120) square feet or less of base area, is less than fifteen (15) feet in height, is not placed on or attached to a permanent foundation and does not contain an electrical power distribution system, heating system, space heating equipment, cooling system, or space cooling equipment; or
 - (18) Ordinary maintenance and repair of building equipment where the work does not reduce performance or create additional safety or health risks; or
 - (19) Installation of a single-phase electric circuit not exceeding sixty (60) amperes at a nominal 120/240 volts which involves the installation, modernization, replacement, service or repair of a heating system, space heating equipment, cooling system, space cooling equipment, a water heater or a food waste disposer for which a building permit has been issued; or
 - (20) Installation of household appliances such as window air conditioners, refrigerators, refrigerators with automatic icemakers, ranges, microwave ovens, clothes washers, clothes dryers, dishwashers, food waste disposers and trash compactors when such installation does not include the installation of an electrical circuit; or
 - (21) Replacement in kind of piping in a plumbing system when the replacement piping meets the same performance specifications and has the same capacity as the piping being replaced and not more than twenty (20) percent of all piping in the structure is replaced; or
 - (22) Replacement of appliances, fixtures, traps and valves in a plumbing system; or
 - (23) Replacement of a water heater with one (1) that is identical as to venting arrangement and type of fuel or energy input; or
 - (24) Extension of heating or cooling duct work; or
 - (25) Placement of a ~~one-family-factory-constructed-building~~ manufactured home not on a permanent foundation in a ~~mobile~~ manufactured home park licensed by the Indiana State Department of Health; or
 - (26) Initial connection or reconnection of plumbing to a ~~mobile home~~ manufactured home not placed on a permanent foundation located in a ~~mobile~~ manufactured home park licensed by the Indiana State Department of Health; or
 - (27) Erection of real estate signs advertising real estate for sale or for rent in conformance with the size limitations of the zoning ordinance governing signs; or
 - (28) Connection, provision or use of temporary electrical power for on-site construction ~~activity~~.
- (c) *Exemptions for commercial construction.* With respect to Class 1 structures ~~other than one- or two-family residential structures, their appurtenances, and accessory structures~~, permits specified in subsection (a) shall not be required for:
- (1) Ordinary maintenance and repair of a structure where the work does not reduce performance or create additional safety or health risks as defined in section 536-111(h); or
 - (2) Installation, maintenance and repair of storm windows and other exterior windows designed and used as protection against severe weather; or
 - (3) Attachment of window awnings to exterior walls where the awnings project not more than forty-eight (48) inches from any wall; or
 - (4) Painting, papering and similar finish work; or
 - (5) Installation of movable cases, counters and partitions not over sixty-nine (69) inches high; or
 - (6) ~~Construction~~ Erection or installation of temporary motion picture, television and theater stage sets and scenery; or

- (7) Installation of thermal insulation; or
- (8) ~~Construction~~ Erection or installation of a fence or structural barrier in conformance with zoning requirements and any necessary certificates of appropriateness in a historic district; or
- (9) ~~Construction~~ Erection or installation of an aboveground swimming pool thirty (30) inches or less deep and fifteen (15) feet or less at its widest points; or
- (10) ~~Construction~~ Erection or installation of platforms not more than thirty (30) inches above grade and not over any basement or story below; or
- (11) Installation of water tanks supported directly upon grade if the capacity does not exceed five thousand (5,000) gallons and the ratio of height to diameter or width does not exceed two (2) to one (1); or
- (12) Erection of oil derricks; or
- (13) Erection of retaining walls which are not over four (4) feet in height measured from the lowest finished grade to the top of the wall, unless the walls are supporting a surcharge or used as a dike to impound flammable or combustible liquids or products that pose a health or safety risk (e.g., corrosives, oxidizers, poisons); or
- (14) ~~Construction~~ Erection of a structure which spans one hundred twenty (120) square feet or less of base area, is less than fifteen (15) feet in height, is not placed on or attached to a permanent foundation and does not contain an electrical power distribution system, heating system, space heating equipment, cooling system, or space cooling equipment; or
- (15) Erection of any sign in conformance with zoning requirements; or
- (16) Ordinary maintenance and repair of building equipment where the work does not reduce performance or create additional safety or health risks; or
- (17) Connection, provisions or use of temporary electrical power for on-site construction ~~activity~~; or
- (18) Installation of household appliance such as window air conditioners, refrigerators, refrigerators with automatic icemakers, ranges, microwave ovens, clothes washers, clothes dryers, dishwashers, food waste disposers and trash compactors in apartment buildings when such installation does not include the installation of an electrical circuit; or
- (19) Replacement in kind of piping in a plumbing system when the replacement piping meets the same performance specifications and has the same capacity as the piping being replaced and not more than twenty (20) percent of the piping in an area occupied by a single tenant in the structure is replaced; or
- (20) Replacement of appliances, fixtures, traps and valves in a plumbing system; or
- (21) Replacement of a water heater with one (1) that is identical as to venting arrangement and type of fuel or energy input.

(d) *Preservation districts.* Provisions in subsection (b) or (c) that exempt those engaged in certain construction ~~activity~~ from the obligation to secure a building permit do not affect the possible obligation to secure a certificate of appropriateness for construction either in an historic area designated by the Indianapolis Historic Preservation Commission or in the Meridian Street Preservation District designated by the Indiana Code. While a building permit may not be required, a certificate of appropriateness from the Indianapolis Historic Preservation Commission or the Meridian Street Preservation Commission may be required in such an area.

(e) *Flood control districts.* Provisions in subsection (b) or (c) that exempt those engaged in certain construction ~~activity~~ from the obligation to secure a building permit do not affect the possible obligation to secure a floodplain development permit for construction ~~activity~~ in the Flood Control Districts as designated by the Flood Control Districts Zoning Ordinance, General Ordinance No. 64, 1992. While a building permit may not be required, a floodplain development permit may be required in such areas.

Sec. 536-202. Eligibility to obtain and apply for a building permit.

(a) To obtain a building permit a person, partnership or corporation must meet the requirements of paragraphs (1) through (5) below and must be the person, partnership or corporation which will either actually accomplish, supervise accomplishment or be contractually responsible for accomplishment of the construction activity allowed by the building permit:

- (1) Any person, partnership or corporation which is a listed contractor under Article I of Chapter 875 may:
 - a. Obtain a building permit to accomplish any construction activity except work for which Articles II, III or IV of Chapter 875 require licensure or IC 25-28.5-1 requires a state license; or
 - b. Obtain a master building permit under sections 536-203 or 536-204.
- (2) Any person, partnership or corporation licensed under Articles II, III or IV of Chapter 875 may obtain a building permit solely to accomplish construction activity allowed by the license or type of license held by the person, partnership or corporation.
- (3) Any person or corporation registered under Article V of Chapter 875 may obtain a building permit solely to accomplish construction activity for which state licensure as a plumbing contractor is required.
- (4) Any person who is either a registered architect or registered engineer licensed to practice in the State of Indiana may obtain a building permit to accomplish any construction activity for which the approval of the Indiana department of fire and building services, division of plan review a design release is required and has been given by the office of the state building commissioner. Such architect or engineer, however, may not obtain a building permit for work relative to which Articles II, III or IV of Chapter 875 require a license.
- (5) Any person, partnership or corporation which owns, is a contract purchaser or is a long-term lessee of an improved or unimproved parcel of land which the person, partnership or corporation intends to utilize for its own purposes (e.g., permanent business location, place of residence, rental property that the owner is obligated to maintain) may obtain a building permit to accomplish construction activity on such parcel carried out through direct efforts of:
 - a. The person; or
 - b. One (1) or more employees of the person, partnership or corporation (including temporary employees hired to do construction work); or
 - c. Persons who volunteer to work on the construction activity and who are not compensated for their services.

Such a person, partnership or corporation may not obtain a building permit to wreck a structure for which Article IV of Chapter 875 requires licensure. Such a person, partnership or corporation may not obtain a building permit for work relative to which IC 25-28.5-1 requires a state license. The requirements of section 875-222 and section 875-321 must be met for such a person, partnership or corporation to obtain a building permit to accomplish construction activity relative to which Articles II and III of Chapter 875 require licensure.

In addition, any person, partnership or corporation which owns, is a contract purchaser or is a long-term lessee of an improved or unimproved parcel of land which the person, partnership or corporation intends to utilize for its own purposes (e.g., permanent business location, place of residence, rental property that the owner is obligated to maintain) may obtain a building permit to allow construction activity on such parcel to be carried out by one (1) or more listed contractors as long as a single listed contractor is not responsible for all of the construction activity to be done on the parcel. Such a person, partnership or corporation may not obtain a building permit to wreck demolish or remove a structure for which Article IV of Chapter 875 requires licensure. Such a person, partnership or corporation may not obtain a building permit for work relative to which IC 25-28.5-1 requires a state license. The requirements of section 875-222 and section 875-321 must be met for such a person, partnership or corporation to obtain a building permit to accomplish construction activity relative to which Articles II and III of Chapter 875 require licensure.

(b) Application for a building permit may be made by the person entitled to obtain the permit or by an employee or agent of the person, partnership or corporation entitled to obtain the permit. The ~~neighborhood and development services~~ division of compliance may require that an employee or agent provide written authority to apply for the permit.

Sec. 536-203. Master permit.

A person, partnership or corporation listed as a contractor under section 875-106 may elect to obtain a master permit for all construction activity occurring at a structure. (However, the ~~neighborhood and development services~~ division of compliance is not obligated to start issuing master permits until computer equipment and programs needed to make issuance of such permits practicable and effective have been secured.) The master permit shall identify all construction activity to occur at the structure and shall be the sole permit needed to accomplish all work identified on the permit at the structure. The person, partnership or corporation obtaining the master permit shall be responsible for all construction activity occurring at the structure, including code compliance for all construction activity for which Articles II, III or IV of Chapter 875 of this Revised Code require licensure or IC 25-28.5-1 requires a state license.

Sec. 536-204. Procedure for obtaining a master permit.

In order to obtain a master permit, the person, partnership or corporation must either be licensed for all the types of construction activity that will occur at the structure or identify, at the time of application, a licensed subcontractor for every type of construction activity that will occur at the structure.

Sec. 536-205. Building permits obtained by written application.

(a) Application for a building permit shall be made to the ~~neighborhood and development services~~ division of compliance. The application shall be made in accordance with this section, unless each and every requirement of section 536-209 is met and the administrator decides to issue a building permit on the basis of that section.

(b) The application shall be in writing on a form prescribed by the ~~neighborhood and development services~~ division of compliance and shall be supported with:

- (1) Two (2) copies of detailed plans and specifications drawn to scale which indicate in a precise manner the nature and location of all work to be accomplished pursuant to the building permit. In lieu thereof, it shall be within the discretion of the administrator of the ~~neighborhood and development services~~ division of compliance to accept two (2) copies of a written statement indicating the nature and location of the work to be done pursuant to the building permit where such written statement describes the work as precisely as a copy of detailed plans and specifications drawn to scale.
- (2) Two (2) copies of a plot plan drawn to scale which reflect the location of the structure in relation to existing property lines and which show streets, curbs and sidewalks and proposed changes or additions to such streets, curbs and sidewalks; provided, however, such plot plan shall not be required in the instance where all of the construction activity is to occur inside an existing structure.
- (3) An improvement location permit, issued by the ~~neighborhood and development services~~ division of compliance, ~~department of metropolitan development~~, if required by the ordinance providing for the improvement location permit.
- (4) Written approval from the Marion County Health and Hospital Corporation for any contemplated private sewage disposal system.
- (5) ~~Written approval from the Indiana department of fire and building services, division of plan review~~ Design release from the Office of the State Building Commissioner, in concurrence with the State Fire Marshall, if required by Indiana law or any rule of the fire prevention and building safety commission.
- (6) A drainage permit, issued by the department of public works, if required by the ordinance providing for a drainage permit.
- (7) A connection permit, issued by the department of public works, if required by the ordinance requiring a permit for connection to a sewer.

(c) In the instance where a building permit is requested for the purpose of allowing the demolition or removal of a structure, such application shall be supported with a written statement from each utility that its

service to the premises has been disconnected, and with either a written statement from the record titleholder of such premises authorizing the demolition or removal or a court order or administrative order requiring the demolition or removal of the structure.

(d) In the instance where a building permit is requested for the purpose of allowing the demolition or removal of a structure which is in excess of seventy-five (75) feet in height, such application shall be supported by a certificate of insurance reflecting that the obtainer of the building permit has a public liability and property damage insurance policy naming the licensee and the Consolidated City of Indianapolis as the assured and providing also for the payment of any liability imposed by law on such licensee or the Consolidated City of Indianapolis in the minimum amounts of one million dollars (\$1,000,000.00) for any occurrence relative to which there is injury to or death of one (1) or more persons and five hundred thousand dollars (\$500,000.00) for any occurrence relative to which there is property damage.

(e) In the instance where a building permit is requested for the purpose of constructing a swimming pool, such application shall include the name of the person responsible for constructing the required fence or safety pool cover.

(f) Except as provided in section 536-701 or 536-702, a building permit shall be issued if:

- (1) The application and supporting information required by this section have been properly prepared and submitted; and
- (2) The application and supporting information filed in accordance with this section reflect compliance with building standards and procedures; and
- (3) The fee has been paid in compliance with article VI of this chapter; and
- (4) The person, partnership or corporation obtaining the building permit complies with the requirements of section 536-202; and
- (5) The person applying for the building permit complies with the requirements of section 536-202.

(g) By making payment for the building permit, the applicant and obtainer shall be deemed to represent and certify that the information contained in that permit is complete and accurate, unless the applicant or obtainer shall within ten (10) days provide in writing to the ~~neighborhood and development services~~ division of compliance any additions or corrections to that information.

Sec. 536-206. Structure requiring professional services of architects or engineers.

Except for those structures for which the rules of the fire prevention and building safety commission do not require filing of plans for ~~approval design~~ release by the responsible design architect or engineer, all detailed plans and specifications supplied with building permit applications shall be designed by and prepared under the control and supervision of a registered architect or engineer duly licensed to practice in the State of Indiana. Such professionally prepared plans and specifications shall bear the stamp or seal and registration number of such architect or engineer and shall be accompanied by the usual form of certification which is now or may be hereafter prescribed for use by architects and engineers by the ~~fire prevention and building safety commission~~ office of the state building commissioner.

Sec. 536-207. Scales of plans, numbering of plan sheets, provision of address on plan sheets.

All plans shall be drawn to scale or scales suitable to illustrate the work using accepted professional practices. Drawing scale or scales must be noted on each sheet. All plans with more than one (1) sheet shall be numbered. Except with respect to ~~one or two family residential~~ Class 2 structures, an index shall be furnished on the first sheet setting forth the character of each sheet in the set of plans. The address appearing on the building permit shall be placed in letters at least one-quarter inch high on the face of each sheet.

Sec. 536-208. Examination of detailed plans and specifications.

The purpose of any examination of detailed plans and specifications and plot plans shall be to determine consistency with building standards and procedures. Design characteristics not affecting consistency with building standards and procedures shall not be considered in any examination of detailed plans and specifications and plot plans. Issuance of a building permit relative to plans which do not comply with building standards and procedures shall not relieve the person, partnership or corporation who applied for or obtained the building permit of the responsibility of complying with all building standards and procedures. The ~~neighborhood and development services~~ division of compliance shall file-mark all acceptable plans

"plans received and application approved" and then return one (1) copy of the detailed plans and specifications and one (1) copy of the plot plan to the applicant.

Sec. 536-209. Permits obtained by a telephone communication.

(a) The administrator may, but is not required to, issue a permit on the basis of information received by a telephone call over a specified telephone line in the office of the ~~neighborhood and development services~~ division of compliance (to which may be attached a recording device to make a record of all information supplied).

(b) To receive a permit on the basis of a telephone communication, all of the following requirements must be met:

- (1) The person, partnership or corporation obtaining the permit and the person applying for the permit are eligible to obtain and apply for a building permit pursuant to section 536-202, and:
 - a. Have accomplished construction ~~activity~~ in the consolidated city for a period of the preceding twelve (12) calendar months without a violation of building standards or procedures which caused a revocation of a building permit pursuant to section 536-704; issuance of a stop-work order pursuant to section 536-705; issuance of an order forbidding occupancy pursuant to section 536-706; initiation of a civil action filed pursuant to section 536-707; forfeiture of a licensing bond pursuant to section 536-708; or a judicially imposed fine or imprisonment pursuant to section 536-709; and
 - b. Have over the period of the previous one hundred eighty (180) days made prompt payment of all building permit fees for permits issued under this chapter;
 - (2) The construction ~~activity~~ is being accomplished in or on an existing structure;
 - (3) The construction ~~activity~~ does not involve the demolition or removal of a structure;
 - (4) The construction ~~activity~~ does not require the issuance of a design release by the ~~Indiana department of fire and building services, division of plan review~~ office of the state building commissioner;
 - (5) An improvement location permit, issued by the ~~neighborhood and development services~~ division of compliance, department of metropolitan development, is not required;
 - (6) Approval of the Marion County Health and Hospital Corporation for a private sewage disposal system is not required;
 - (7) The construction ~~activity~~ does not require a drainage permit; and
 - (8) The construction ~~activity~~ is susceptible to being accurately described without the aid of either a plot plan or detailed plans and specifications.
- (c) The following information shall be supplied over the specified telephone line in order to obtain a building permit under this section 536-209:
- (1) The name and address of the person telephoning (applicant);
 - (2) The name, address and number of the contractor in whose name the requested building permit is being issued (obtainer);
 - (3) The address of the construction ~~activity~~;
 - (4) A precise description of the construction ~~activity~~ to be accomplished;
 - (5) The value of the construction ~~activity~~.
- (d) The obtainer of the building permit shall remit fees for the permit along with a written application (as provided for in section 536-205) to the ~~neighborhood and development services~~ division of compliance within five (5) business days following the date of the permit's issuance by check or money order made payable to the controller of the City of Indianapolis. The permit number shall be clearly marked on the face of the check or money order. Payment shall be made in the office of the ~~neighborhood and development services~~ division of compliance or through the United States Postal Service. If mailed, the postmark on the envelope

shall be evidence of compliance with the five-day remittance requirement. If payment is not received within five (5) business days, the permit shall be voidable by order of the administrator. If a permit issued under this section is voided, no further construction activity shall be accomplished under that permit.

(e) The building permit obtained in accordance with this section shall be in full force and effect at the time a building permit number is furnished by the ~~neighborhood and development services~~ division of compliance over the telephone line to the applicant. Following the issuance of the building permit in accordance with this section, the ~~neighborhood and development services~~ division of compliance shall, as soon as conveniently possible after the payment of the permit fee, mail a copy of the building permit document to the applicant for the building permit.

(f) By making payment for the building permit, the applicant and obtainer shall be deemed to represent and certify that the information contained in that permit is complete and accurate, unless the applicant or obtainer shall within ten (10) days provide in writing to the ~~neighborhood and development services~~ division of compliance any additions or corrections to that information.

Sec. 536-210. Permit and file-marked plans to be available.

Any person, partnership or corporation to which a building permit has been issued shall prominently display such permit or a document bearing the permit number provided by the ~~neighborhood and development services~~ division of compliance which evidences permit issuance, or, in the instance of a permit obtained by telephone communication, a paper bearing the authorization number, at the job site during construction activity. If required to submit detailed plans and specifications in order to obtain a building permit such person, partnership or corporation shall have available for inspection at all times a copy of the detailed plans and specifications bearing the file mark of the ~~neighborhood and development services~~ division of compliance. Any change in such detailed plans and specifications, except for minor deviations that neither diminish structural quality nor would cause noncompliance with applicable building standards and procedures, shall be filed with and approved by the ~~neighborhood and development services~~ division of compliance prior to the time construction involving the change occurs.

Sec. 536-211. Transfer of building permits.

(a) A building permit may be transferred with the approval of the administrator of the ~~neighborhood and development services~~ division of compliance to a person, partnership or corporation which would be eligible under section 536-202 to obtain such building permit in the first instance (hereinafter called "transferee"), after both the payment of a fee and the execution and filing of a form furnished by the ~~neighborhood and development services~~ division of compliance. Such transfer form shall contain, in substance, the following certifications, release and agreement:

- (1) The person who obtained the original building permit or a person who is employed by and authorized to act for the obtainer (hereinafter called "transferor") shall:
 - a. Certify under penalties for perjury that such person is familiar with construction activity accomplished pursuant to the building permit; such person is familiar with the building standards and procedures applicable to the construction activity; and to the best of such person's knowledge, information and belief the construction activity, to the extent performed, is in conformity with all building standards and procedures; and
 - b. Sign a statement releasing all rights and privileges secured under the building permit to the transferee.
- (2) The transferee shall:
 - a. Certify that the transferee is familiar with the information contained in the original building permit application, the detailed plans and specifications, the plot plan and any other documents filed in support of the application for the original building permit; and
 - b. Certify that the transferee is familiar with the present condition of the premises on which construction activity is to be accomplished pursuant to the building permit; and
 - c. Agree to adopt and be bound by the information contained in the original application for the building permit, the detailed plans and specifications, the plot plan and other documents supporting the original building permit application; or in the alternative, agree to be bound by such application plans and documents modified by plan amendments submitted to the ~~neighborhood and development services~~ division of compliance for approval.

(b) The transferee shall assume the responsibilities and obligations of and shall comply with the same procedures required of the transferor (including, but not being limited to, the requirement of section 536-301 that a certificate of completion and compliance be executed and filed and the requirement of sections 536-402 and 536-403 that further construction activity not be accomplished without notice of and opportunity for inspection at certain stages) and shall be subject to any written orders issued by the administrator or his authorized representative.

(c) A permit for construction activity at a specified location may not be transferred to construction activity at a different location.

Sec. 536-212. Obligation of subsequent obtainer of building permit relative to partially completed work.

If construction activity allowed by a building permit has been commenced but only partially completed and a person, partnership or corporation desires to complete such construction activity, then such person, partnership or corporation must obtain a building permit covering the construction previously accomplished as well as that to be accomplished, shall be responsible for accomplishing all construction activity encompassed by the subsequent building permit (including that previously accomplished) in accordance with building standards and procedures and shall be obligated to file a certificate of completion and compliance required by section 536-301 or 536-302 covering all the construction activity encompassed by the subsequent permit.

Sec. 536-213. Expiration of building permits by operation of law; extensions.

(a) If construction activity, other than activity involving the removal of all or part of a structure, has not been commenced within one hundred eighty (180) days from the date of issuance of the building permit, the permit shall expire by operation of law and shall no longer be of any force or effect; provided, however, the administrator of the ~~neighborhood and development services~~ division of compliance may, for good cause shown in writing, extend the validity of any such permit for an additional period which is reasonable under the circumstances to allow commencement of the construction activity. In no event shall the extension exceed a period of sixty (60) days.

(b) If the construction activity has been commenced but only partially completed, and thereafter substantially no construction activity occurs on the construction site over a period of one hundred eighty (180) days, the permit shall expire by operation of law and no longer be of any force or effect; provided, however, the administrator may, for good cause shown in writing, extend the validity of any such permit for an additional period which is reasonable under the circumstances to allow resumption of construction activity.

(c) If construction activity involving removal of a structure or part of a structure has not been completed within the following time periods, the building permit shall expire by operation of law and shall no longer be of any force or effect:

- (1) Removal of all or part of a ~~one or two family residential structure~~ Class 2, thirty (30) days after issuance.
- (2) Removal of all or part of a Class 1 structure ~~other than one or two family residential structure~~, sixty (60) days after issuance.

Provided, however, the administrator of the ~~neighborhood and development services~~ division of compliance may, for good cause shown in writing, extend the validity of any such permit for an additional period that is reasonable under the circumstances up to forty-five (45) days in length.

(d) An extension granted under this section shall be confirmed in writing.

Sec. 536-214. Defacing permit.

It shall be unlawful for any person, other than an employee of the ~~neighborhood and development services~~ division of compliance, to intentionally remove, deface, obscure, mutilate, mark or sign a posted building permit or a document bearing the permit number provided by the ~~neighborhood and development services~~ division of compliance which evidences permit issuance without authorization from the administrator of the ~~neighborhood and development services~~ division of compliance, or his authorized representative, until fifteen (15) calendar days after both the construction activity is completed and the ~~neighborhood and development services~~ division of compliance is notified of such completion.

Sec. 536-215. Notification to assessor about construction of deck.

(a) When a deck is constructed, the contractor (or the owner, if a contractor is not doing the work) must either:

- (1) Secure a building permit; or
- (2) Send a notice of the construction to the county assessor.
- (b) The notice to the county assessor shall include the following information:
 - (1) The township where the property is located;
 - (2) The address of the property where the deck was constructed;
 - (3) The name of the owner of the property;
 - (4) The approximate size of the deck;
 - (5) The name of the contractor who constructed the deck; and
 - (6) The listing number of the contractor.

The notice shall be provided to the county assessor within thirty (30) days of the time the deck is substantially completed.

Sec. 536-216. Posting of contractor notification form at work site, notification to division and owners.

(a) Prior to the commencement of construction activity for which a listed contractor is not required to obtain a building permit because of an exemption provided in paragraphs (1), (2) or (3) of subsection (b) of section 536-201, the listed contractor shall complete the notification form prescribed in subsection (b), place the form on the site as specified in subsection (c) and notify the ~~neighborhood and development services~~ division of compliance as specified in subsection (d).

(b) The form shall be made of a reasonably durable material and shall contain the following information:

- (1) Listing number assigned to the contractor by the city.
- (2) Name of contractor.
- (3) A description of the construction activity which is exempt from the building permit requirements.
- (4) Address of the construction activity.
- (5) Date when the construction activity will be initiated.
- (6) Certification by the contractor or an employee of the contractor that the contractor is listed, has a current bond and insurance, and is the contractor doing the construction activity at the job site.
- (7) Verification number, if any, provided by the ~~neighborhood and development services~~ division of compliance to the contractor when notice of the construction activity was given to the division by the contractor.
- (8) Signature of the owner (or a responsible person acting for the owner) indicating that the owner is aware that the ~~neighborhood and development services~~ division of compliance will make an inspection of the construction activity at the request of the owner.

The listing number shall be at least one (1) inch in height. The form shall include the license/listing seal of the City of Indianapolis, a notice indicating how the listing of the contractor can be verified by communicating with the ~~neighborhood and development services~~ division of compliance and how the owner can secure an inspection of the construction activity by the ~~neighborhood and development services~~ division of compliance. The administrator of the ~~neighborhood and development services~~ division of compliance shall specify the size, format, text and color of the form.

(c) The listed contractor shall place a copy of the completed contractor notification form at a prominent location at the work site where it can be easily seen and would be noticed, provided, however, this provision shall not require the contractor to place the form at a location objectionable to the owner. It is not necessary to post the notification form as required by subsection (a) if a building permit has been secured and is posted at the job site in accordance with section 536-210 of this chapter.

(d) The listed contractor shall deliver to the ~~neighborhood and development services~~ division of compliance a copy of the notification form specified in subsection (b). If prior to commencement of the construction ~~activity~~ the copy has not been delivered, the listed contractor shall notify the division by phone, followed by prompt delivery of a copy of the form to the division.

(e) Upon receipt of the filing required by subsection (d), the ~~neighborhood and development services~~ division of compliance shall mail notice to the owner of the owner's right to request inspection of the construction ~~activity~~.

Sec. 536-217. Notice of change in permit information; amendment of permits and plans.

(a) After a permit has been issued, the permittee shall give prompt written notice to the administrator of the ~~neighborhood and development services~~ division of compliance of any addition to or change in the information contained in the permit application.

(b) After a permit has been issued, any material deviation or change in the information contained in the permit application, the plans and specifications, or the plot plans shall be considered an amendment subject to approval by the ~~neighborhood and development services~~ division of compliance. Prior to the time construction ~~activity~~ involving the change occurs, the permittee shall file with the ~~neighborhood and development services~~ division of compliance a written request for amendment, including a detailed statement of the requested change and the submission of any amended plans.

(c) The administrator shall give the permittee written notice that the request for amendment has been approved or denied, and if approved, copies of the amended application or plans shall be attached to the original application or plans. Reinspection fees or other fees which are occasioned by the amendment shall be assessed and paid in the same manner as for original permits or plans.

ARTICLE III. CERTIFICATE OF COMPLETION AND COMPLIANCE

Sec. 536-301. Filing of certificate of completion and compliance.

Within fourteen (14) days after completion of the construction ~~activity~~ for which a building permit has been issued pursuant to the provisions of this chapter and prior to the occupancy or use of the structure, the obtainer of the building permit (or an employee of the obtainer who is authorized to act for the obtainer) for such construction ~~activity~~ shall execute and file a certificate of completion and compliance with the ~~neighborhood and development services~~ division of compliance. Such certificate shall be in the following form:

CERTIFICATE OF COMPLETION AND COMPLIANCE

Address of premises on which construction activity was accomplished:

Permit number: _____

The undersigned person hereby certifies under the penalties for perjury that:

1. I obtained the above referenced building permit or am an employee of the obtainer, and
2. I am familiar with the construction ~~activity~~ accomplished pursuant to that building permit, and
3. I know such construction ~~activity~~ has been completed with exceptions here noted _____, and
4. I am familiar with building standards and procedures applicable to such construction ~~activity~~, and
5. To the best of my knowledge, information and belief such construction ~~activity~~ has been performed in conformity with all building standards and procedures.

Date: _____ Signature: _____ Typed or printed name _____

Electrical, heating and cooling or wrecking contractor license number, plumbing contractor registration number, contractor listing number, or registered architect or registered engineer registration number: _____

If a licensed electrical contractor has properly executed and delivered or mailed an electrical craft work certificate of completion and compliance pursuant to section 536-404(b)(3), he shall not be required to file the above certificate of completion and compliance.

If a registered architect or registered engineer has properly executed and delivered or mailed an architect's or engineer's certificate of completion and compliance pursuant to section 536-303, he shall not be required to file the above certificate of completion and compliance.

Sec. 536-302. Filing of certificate of completion and compliance for work done under a master permit.

Within fourteen (14) days after the completion of construction ~~activity~~ for which a master building permit has been issued pursuant to the provisions of this chapter and prior to the occupancy or use of the structure, the obtainer of the master permit (or an employee of the obtainer authorized to act for the obtainer) shall execute and file a certificate of completion for work done under a master permit with the ~~neighborhood and development services~~ division of compliance. All licensed or registered subcontractors who worked on the structure shall also execute the certificate. Such certificate shall be in the following form:

CERTIFICATE OF COMPLETION AND COMPLIANCE FOR WORK DONE
UNDER A MASTER PERMIT

Address of premises on which construction ~~activity~~ was accomplished: _____

Permit Number: _____

The undersigned person(s) hereby certify under the penalties for perjury that:

1. I either:
 - (a) Obtained the above referenced building permit (or am an employee of the obtainer); or
 - (b) Am a licensed or registered subcontractor who performed work on the structure; and
2. I am familiar with that part of the construction ~~activity~~ accomplished pursuant to that building permit that is indicated below; and
3. I know the construction ~~activity~~ indicated below has been completed with exceptions noted below; and
4. I am familiar with building standards and procedures applicable to such construction ~~activity~~; and
5. To the best of my knowledge, information and belief, such construction ~~activity~~ indicated below has been performed in conformity with all building standards and procedures.

Structural

Listing #

Exception to work done

Signature

Typed or printed name

Date

Electrical

License #

Exception to work done

Signature

Typed or printed name

Date

Heating and Cooling

License #

Exception to work done

Signature

Typed or printed name

Date

Plumbing

Registration #

Exception to work done

Signature

Typed or printed name

Date

Wrecking

License #

Exception to work done

Signature

Typed or printed name

Date

If a licensed electrical contractor has properly executed and delivered or mailed an electrical craft work certificate of completion and compliance pursuant to section 536-404(b)(3), he shall not be required to file the above certificate of completion and compliance.

Sec. 536-303. Filing of architect's or engineer's certificate of completion and compliance.

Within fourteen (14) days after the completion of construction ~~activity~~ for which a building permit was issued pursuant to this chapter and for which review and monitoring of construction ~~activity~~ by an architect or engineer is required by the rules of the fire prevention and building safety commission, the architect or engineer who observed the construction ~~activity~~ accomplished pursuant to the permit shall execute and file an architect's or engineer's certificate of completion and compliance with the ~~neighborhood and development services~~ division of compliance in the following form:

ARCHITECT'S AND ENGINEER'S CERTIFICATE OF COMPLETION AND COMPLIANCE

Address of construction activity: _____

Permit number: _____

The undersigned architect or engineer hereby states under penalties for perjury that:

1. I have made reasonable and periodic observation of the above mentioned construction project to determine whether the work accomplished is in accordance with the plans and specifications for this project as released by the ~~Indiana Department of Fire and Building Services, division of plan review~~ Office of the State Building Commissioner and whether the work accomplished is in compliance with rules promulgated by the ~~Indiana Department of Fire and Building Services~~ Fire Prevention and Building Safety Commission and provisions of Chapter 536 of the Revised Code of the Consolidated City and County, with the following exceptions hereafter noted:

2. I am familiar with such building standards and the provisions of Chapter 536 applicable to the work accomplished; and
3. To the best of my knowledge, information and belief such work has been accomplished in conformity with such building standards promulgated by the ~~Indiana Department of Fire and Building Services~~ Office of the State Building Commissioner and the provisions of Article III of Chapter 536.

Date: _____

Signature: _____

SEAL Typed name: _____
 Architect No.: _____
 Engineer No.: _____
 Indiana Registration No.: _____
 Address: _____
 Phone number: _____

ARTICLE IV. INVESTIGATIONS AND INSPECTIONS OF CONSTRUCTION ACTIVITIES

Sec. 536-401. General authority to make investigations and inspections.

The administrator of the ~~neighborhood and development services~~ division of compliance or his authorized representative may at any reasonable time go in, upon, around or about the premises where any structure or building equipment subject to the provisions of this chapter or to the rules of the fire prevention and building safety commission is located (irrespective of whether a building permit has been or is required to be obtained) for the purpose of investigation and inspection of such structure or building equipment. Such investigation and inspection may be made either before or after construction activity on the project is completed and it may be made for the purposes, among others, of determining whether the structure or building equipment meets building standards and procedures, and ascertaining whether the construction activity and procedures have been accomplished in a manner consistent with a certificate filed pursuant to sections 536-301, 536-302, 536-303 or 536-404(b)(3). All construction shall be subject to periodic inspections, and Reasonable efforts to afford an opportunity for investigation and inspection of the structure or building equipment by the neighborhood and development services division of compliance shall be made by persons working on or having control of the construction activity. However, nothing in this section shall be construed to require the administrator to make inspections and investigations.

Sec. 536-402. Notice of availability for inspection as a condition to the accomplishment of further work.

(a) Whenever a stage of construction activity is reached which is designated below, the person, partnership or corporation which obtained the permit shall be under a duty to give appropriate notice to the administrator of the ~~neighborhood and development services~~ division of compliance that the construction activity is available for inspection.

(b) Relative to the construction of, remodeling of or addition to a structure, notice of availability is required, as applicable, for:

- (1) A "foundation inspection" after poles or piers are set, trenches or basement areas excavated, any required reinforcing steel is in place, but prior to the placing of concrete; and
 - (2) A "frame and masonry inspection" after the roof, masonry, all framing, firestopping and bracings are in place and all electrical wiring, pipes, chimneys and vents are complete, but prior to the interior covering of walls.
- (c) Relative to the installation, modernization or replacement of building equipment (including but not limited to plumbing work for which licensure is required by the Indiana Plumbing Commission, or work on electrical power distribution systems, heating systems, space heating equipment, cooling systems or space cooling equipment), notice of availability for a separate "rough inspection" is required, as applicable, for each of the three (3) crafts after installation, but prior to the covering or concealment thereof and before fixtures are set.
- (d) Relative to demolition or removal of a structure, notice of availability for a "fill inspection" is required (in the instance when a basement or subgrade chamber exists) after demolition or removal and prior to placing fill.
- (e) The administrator or the administrator's authorized representative may, relative to any construction activity, add a reasonable number of other construction stages by communicating the additional stage requirements to the person obtaining the building permit for that construction activity.
- (f) Notice of availability shall be given either by telephone communication over a specified telephone line in the office of the ~~neighborhood and development services~~ division of compliance (to which may be attached a recording device to make a record of all information supplied), by electronic means, by hand-delivered written notice or by a letter delivered by the United States Postal Service.

Sec. 536-403. Requirement that construction activity remain available for inspection.

Whenever a stage of construction activity designated in section 536-402 is reached, no person shall take any action or accomplish any additional construction activity which would substantially impede the opportunity of the administrator or the administrator's authorized representative to inspect that stage of construction activity for a period of at least forty-eight (48) hours after notice of the availability for inspection has been received during business hours in the ~~neighborhood and development services~~ division of compliance or until after an inspection is made, whichever first occurs; provided, however, if the forty-eight-hour period expires on a Saturday, Sunday, or legal holiday, the construction shall remain available for inspection until five o'clock p.m. on the next regular business day or until after an inspection is made, whichever first occurs. The forty-eight-hour period shall begin to run upon actual receipt of the notice during business hours but shall not run during any day when an inspection attempt by a representative of the ~~neighborhood and development services~~ division of compliance is unsuccessful because the work is not accessible.

A person, partnership or corporation may, however, pour a foundation two (2) hours after notification is received in the office of the ~~neighborhood and development services~~ division of compliance. If a foundation is so poured, the remainder of the excavation must remain open for a period of forty-eight (48) hours from the time when notice is received and the person, partnership or corporation must assist an inspector in making the excavation available for proper inspection; provided, however, if the forty-eight-hour period expires on a Saturday, Sunday, or legal holiday, the remainder of the excavation shall remain open until five o'clock p.m. on the next regular business day or until after an inspection is made, whichever first occurs.

Sec. 536-404. Connection, provision or use of electrical power.

(a) No person, partnership or corporation shall accomplish or allow the connection, provision or use of electrical power relative to an electrical power distribution system in or on a structure where construction activity (for which a building permit has been or is required to be obtained pursuant to this chapter) has been accomplished, until after an inspection has been made and a distinctive sticker (signifying the electrical power distribution system may be used) has been attached to each service equipment by the administrator or the administrator's authorized representative. It shall be unlawful for any person other than the administrator or the administrator's authorized representative to use, complete, apply or alter such sticker.

(b) As an alternative to section 536-404(a), the administrator of the ~~neighborhood and development services~~ division of compliance may allow the connection, provision or use of electrical power on the basis of certification by a person who is a licensed electrical contractor if all of the following requirements are met:

- (1) After the completion of the work and before use of the electrical power distribution system is initiated, the licensed electrical contractor who applied for the building permit shall communicate

over a specified telephone line in the office of the ~~neighborhood and development services~~ division of compliance during business hours (to which the ~~neighborhood and development services~~ division of compliance may attach a recording device to make a record of all information supplied) the following information:

- a. The name of the person telephoning;
 - b. The electrical contractor license number of the person telephoning;
 - c. The address of the affected premises;
 - d. The building permit number under which the construction ~~activity~~ was accomplished; and
 - e. The serial number of the electrical craft work certificate of completion and compliance form to be used.
- (2) If such information is in order and if the licensed electrical contractor has accomplished construction ~~activity~~ for a period of the preceding twelve (12) calendar months without violation of building standards or procedures which in the discretion of the administrator are of sufficient seriousness to make the contractor ineligible to use the certificate, the ~~neighborhood and development services~~ division of compliance shall indicate over the specified telephone line authorization to attach a certificate to each service equipment and assign an authorization number to be placed on each certificate by the licensee.
- (3) A certificate, in the following form, must then be executed and attached to each service equipment as a precondition to the connection, provision or use of electrical power.

ELECTRICAL CRAFT WORK CERTIFICATE OF COMPLETION AND COMPLIANCE

Address of the craft work: _____

Serial number: _____

Permit number: _____

Authorization number: _____

The undersigned licensee hereby certifies under the penalties for perjury that:

1. I am an electrical contractor licensed in accordance with Chapter 875 of the Revised Code of Indianapolis-Marion County, Indiana;
2. I am responsible for the proper completion of the construction ~~activity~~ which is the subject of the above referenced building permit as applicant for the permit or applicant representing the transferee of the permit; and
3. I have either personally accomplished or personally inspected all such construction ~~activity~~, or in the alternative, I have caused the construction ~~activity~~ to be inspected by a responsible and competent employee who works under my direction and control, who has fully reported to me the condition of the construction ~~activity~~; and
4. I know that such construction ~~activity~~ is completed and in condition for immediate and final inspection on the date stated below; and
5. I am familiar with building standards and procedures applicable to such construction ~~activity~~; and
6. I know that such construction ~~activity~~ has been done in compliance with all building standards and procedures; and
7. I acknowledge and understand that if such construction ~~activity~~ is done in violation of building standards and procedures, that under the provisions of Chapter 875 my electrical contractor's license may be suspended or revoked.

Date certificate attached to service equipment: _____

Signature: _____

Electrical contractor license number: _____

Typed or printed name: _____

After the signatory attaches a certificate to each service equipment, such person shall cause a duplicate copy of each certificate to be either delivered to the ~~neighborhood and development services~~ division of compliance or postmarked no later than the next business day by the United States Postal Service.

- (4) After completion of the above requirements, the ~~neighborhood and development services~~ division of compliance will notify the electric utility that electrical power can be connected and used at the site.

(c) It shall be unlawful for any person, partnership or corporation to accomplish the connection, provision or use of electrical power relative to an electrical power distribution system without first receiving authorization from the ~~neighborhood and development services~~ division of compliance either by telephone communication and attachment of an electrical craft work certificate of completion and compliance or by the distinctive sticker described in section 536-404(a).

(d) Nothing stated in this section shall be construed to deny the right of the ~~neighborhood and development services~~ division of compliance to inspect the electrical power distribution system to which electrical power is connected either before or after such connection is made or before or after the electrical power distribution system is used.

(e) Electrical craft work certificates of completion and compliance may be purchased only by a licensed electrical contractor who is eligible to use such forms from the ~~neighborhood and development services~~ division of compliance acting on behalf of the controller, for a fee specified in Article VI of this chapter. Each certificate form shall bear a different serialized number which shall be recorded by the ~~neighborhood and development services~~ division of compliance along with the name and licensure number of the electrical contractor who purchases the form. The certificate may only be signed and attached by the licensed electrical contractor who purchased it from the ~~neighborhood and development services~~ division of compliance. It shall be unlawful to sell or transfer such certificate and unlawful to use, complete, sign or attach such a certificate except as prescribed in this section.

Sec. 536-405. Inspection of ~~one and two family residential~~ Class 2 structures at request of owner.

An owner of a ~~one or two family residential~~ Class 2 structure or a contract purchaser of such a structure who occupies the structure may request the ~~neighborhood and development services~~ division of compliance to inspect construction activity that has been completed within the preceding ninety (90) days on that structure. The request may be made irrespective of whether a building permit was required, or if required, whether a permit was obtained. The ~~neighborhood and development services~~ division of compliance shall accomplish an inspection if reasonably practicable. The person requesting the inspection must be willing to be present during the inspection. No charge shall be made for the inspection.

**ARTICLE V. INSPECTION OF EXISTING STRUCTURES AND BUILDING EQUIPMENT
CONTAINED THEREIN; SPECIAL STRUCTURES**

Sec. 536-501. Inspection of existing public, institutional, commercial and industrial structures and building equipment contained therein.

The ~~administrator of the neighborhood and development services division~~ director of the department of metropolitan development or the ~~administrator's~~ director's authorized representative may inspect public school buildings, public assembly halls, churches, theaters, grandstands, buildings used for manufacturing or commercial purposes, hotels, motels, apartment houses, hospitals, nursing homes, buildings used for entertainment or amusement, and all other structures which are used, occupied or frequented by large numbers of people for the purpose of determining whether such structures and the building equipment related to such structures are safe and comply with applicable building standards and procedures.

Sec. 536-502. Inspection of dangerous structures.

The ~~administrator of the neighborhood and development services division~~ director of the department of metropolitan development or the ~~director's administrator's~~ director's authorized representative may inspect any structure

or building equipment reported or appearing to be defective, dangerous or damaged by fire, casualty or vandalism for the purpose of determining whether such structure or building equipment is safe and complies with applicable building standards and procedures.

Sec. 536-503. Inspection of premises on which municipally licensed activities are to be carried out.

At the request of the controller, the ~~administrator of the neighborhood and development services division~~ director of the department of metropolitan development or the ~~administrator's~~ director's authorized representative may inspect the structure and building equipment on any premises which are being used or may be used in connection with a business operation licensed pursuant to Title IV of this Code. Such inspection shall be made for the purpose of determining whether such structure and building equipment are safe and comply with applicable building standards and procedures. A fee specified by Article VI shall be paid for the original inspection and each annual reinspection by the person, partnership or corporation which made application to the controller for licensure of such business operation.

ARTICLE VI. FEES

Sec. 536-601. Payment of fees.

Fees required for activities regulated by this chapter shall be collected by the administrator, ~~neighborhood and development services division~~ of compliance, acting on behalf of the city controller and are specified in the following sections. All fees shall be rounded to the nearest whole dollar after computation. Floor area shall be determined on the basis of exterior dimensions.

Sec. 536-602. Permit fees for construction, placement or additions to structures.

- (a) ~~One or two family residential~~ Class 2 structures:
 - (1) A ~~one or two family dwelling~~ primary Class 2 structure:
 - a. Minimum fee—\$85.00.
 - b. General rate—\$0.03 per square foot of gross floor area, which shall include the area of an attached garage or carport and the area of a finished basement or attic, but exclude the area of an unfinished basement or attic.
 - (2) Accessory Class 2 structure appurtenant to a ~~one or two family dwelling~~ primary Class 2 structure:
 - a. Minimum fee—\$40.00.
 - b. General rate—\$0.03 per square foot of gross floor area.
- (b) ~~Structures other than one or two family residential~~ Class 1 structures:
 - (1) Minimum fee—\$135.00.
 - (2) General rate—\$0.04 per square foot of gross floor area, each floor.

Sec. 536-603. Permit fees for remodeling, alteration, or repair of structures.

- (a) ~~One or two family residential~~ Class 2 structures:
 - (1) Minimum fee—\$40.00.
 - (2) General rate—\$7.00 per \$1,000.00 of total value or \$0.03 per square foot of gross floor area of each floor being remodeled or altered; whichever method of computation yields the lesser fee amount.
 - (3) When remodeling, alteration, or repair of a ~~one or two family residential~~ Class 2 structure is accomplished at the same time as an addition to an existing structure, a single permit fee shall be determined according to section 536-602.

(b) ~~Structures other than one or two family residential~~ Class 1 structures:

- (1) Minimum fee—\$75.00.
- (2) General rate—\$7.00 per \$1,000.00 of total value or \$0.04 per square foot of gross floor area of each floor being remodeled or altered; whichever method of computation yields the lesser fee amount.

Sec. 536-604. Permit fees for plumbing activity.

(a) Installation of plumbing system in a new structure or in an addition to an existing Class 1 structure ~~other than a one or two family dwelling structure~~:

- (1) Minimum fee—\$30.00.
- (2) General rate—15% of the fee for the building permit (as provided for in section 536-602) which has been obtained for the new structure.

(b) Alteration, repair or replacement of plumbing in an existing structure; or in an addition to an existing one or two family dwelling Class 2 structure, or in a structure appurtenant to a one or two family dwelling structure:

- (1) Minimum fee—\$20.00.
- (2) General rate—\$5.50 per \$1,000.00 of total value.
- (3) When documentation submitted prior to the issuance of a permit indicates that the value to the structural work is greater than or equal to the value of the plumbing work, the plumbing permit fee shall not exceed the structural permit fee (as provided in section 536-602(a) or in section 536-603).

(c) Initial connection or reconnection of plumbing to a structure which has been removed from one (1) location and is being placed at another location or to ~~a factory constructed building~~ an industrialized building system, manufactured home or mobile structure —\$25.00.

(d) If plumbing activity is limited solely to replacement or installation of one (1) or more water heaters in a structure:

- (1) Minimum fee—\$15.00.
- (2) General rate—\$5.50 per \$1,000.00 of total value.

(e) A permit may encompass plumbing activity in one (1) fee category to be accomplished within a single structure, regardless of the number of independent systems in the structure. The amount of the permit fee for such activity shall be the minimum fee or the general rate, whichever is higher.

Sec. 536-605. Permit fees for electrical activity.

(a) Installation of an electrical power distribution system in a new structure or in an addition to an existing structure ~~other than a one or two family dwelling~~ Class 2 structure:

- (1) Minimum fee—\$35.00.
- (2) General rate—20% of the fee for the building permit (as provided for in section 536-602) which has been obtained for the new structure or addition.

(b) Repair, alteration or remodeling of an electrical power distribution system in an existing structure, in an addition to a ~~one or two family dwelling~~ Class 2 structure, ~~or in an accessory structure appurtenant to a one or two family dwelling structure~~:

- (1) Minimum fee—\$20.00.
- (2) General rate—\$5.50 per \$1,000.00 total value.
- (3) When documentation submitted prior to the issuance of a permit indicates that the value to the structural work is greater than or equal to the value of the electrical work, the electrical permit fee shall not exceed the structural permit fee (as provided for in section 536-602(a)).

(c) Installation or replacement of space heating equipment using electricity as its primary source of energy:

(1) Minimum fee—\$20.00.

(2) General rate—\$0.15 per each 1,000 Btuh of output capacity up to the first 1,200,000 Btuh and \$0.07 per each additional 1,000 Btuh.

(d) Installation or replacement of space cooling equipment using electricity as its primary source of energy:

(1) Minimum fee—\$20.00.

(2) General rate—\$0.20 per 1,000 Btuh of output capacity up to the first 600,000 Btuh, and \$0.07 per each additional 1,000 Btuh.

(e) Installation or replacement of combined space heating and space cooling equipment using electricity as their primary source of energy:

(1) Minimum fee—\$25.00.

(2) General rate—70% of the sum of both general rates provided above in section 536-605(c)(2) and (d)(2) as they are applied to the heating output capacity and cooling output capacity, respectively, of the combined space equipment.

(f) Initial connection or reconnection of electrical power to a structure which has been removed from one (1) location and is being placed at another location—\$25.00.

(g) Installation, alteration, replacement or repair of a system distributing electrical power to service equipment supplying power to ~~factory-constructed dwellings~~ manufactured home located in a ~~mobile~~ manufactured home park:

(1) Minimum fee—\$25.00.

(2) General rate—\$6.00 per service equipment assembly located on property owned by the same person, partnership or corporation and available for inspection at one (1) time.

(h) "Electrical craft work certificate of completion and compliance" forms, as allowed in section 536-404—\$7.00 each.

(i) A permit may encompass electrical activity in one (1) fee category to be accomplished within a single structure, regardless of the number of independent systems or equipment units in the structure. The amount of the permit fee for such activity shall be the minimum fee or the general rate, whichever is higher.

Sec. 536-606. Permit fees for heating, cooling and refrigeration activity.

(a) Heating systems:

(1) Installation, replacement, or addition which entails duct work or other types of heating transfer:

a. Minimum fee—\$25.00.

b. General rate—\$0.15 per each 1,000 Btuh of input capacity up to the first 1,200,000 Btuh, and \$0.07 per additional 1,000 Btuh.

(2) Replacement or addition which does not entail duct work or other types of heating transfer:

a. Minimum fee—\$20.00.

b. General rate—\$0.15 per each 1,000 Btuh of input capacity up to the first 1,200,000 Btuh, and \$0.07 per each additional 1,000 Btuh.

(b) Cooling systems:

- (1) Installation, addition or replacement which entails duct work or other types of heating transfer:
 - a. Minimum fee—\$25.00.
 - b. General rate—\$0.20 per each 1,000 Btuh of input capacity up to the first 600,000 Btuh, and \$0.07 per additional 1,000 Btuh.
- (2) Installation or replacement which does not entail duct work or other types of cooling transfer:
 - a. Minimum fee—\$20.00.
 - b. General rate—\$0.20 per each 1,000 Btuh of input capacity up to the first 600,000 Btuh, and \$0.07 per each additional 1,000 Btuh.
- (c) Combined heating systems and cooling systems:
 - (1) Combined heating system and cooling systems entailing duct work or other types of heating or cooling transfer:
 - a. Minimum fee—\$30.00.
 - b. General rate—70% of the sum of both general rates provided above in section 536-606(a)(1)b and 536-606(b)(1)b as they are applied to the heating input capacity and cooling input capacity, respectively, of the combined systems.
 - (2) Replacement or addition which does not entail duct work or other types of heating or cooling transfer:
 - a. Minimum fee—\$25.00.
 - b. General rate—70% of the sum of both general rates provided above in section 536-606(a)(1)b and 536-606(b)(1)b as they are applied to the heating input capacity and cooling input capacity, respectively, of the combined systems.
- (d) Space heating equipment:
 - (1) Installation of space heating equipment:
 - a. Minimum fee—\$20.00.
 - b. General rate—\$0.15 per each 1,000 Btuh of input capacity up to the first 1,200,000 Btuh, and \$0.07 per each additional 1,000 Btuh.
 - (2) Replacement of space heating equipment:
 - a. Minimum fee—\$20.00.
 - b. General rate—\$0.15 per each 1,000 Btuh of input capacity up to the first 1,200,000 Btuh, and \$0.07 per each additional 1,000 Btuh.
- (e) Space cooling equipment:
 - (1) Installation of space cooling equipment:
 - a. Minimum fee—\$20.00.
 - b. General rate—\$0.20 per each 1,000 Btuh of input capacity up to the first 600,000 Btuh, and \$0.07 per each additional 1,000 Btuh.
 - (2) Replacement of space cooling equipment:
 - a. Minimum fee—\$20.00.
 - b. General rate—\$0.20 per 1,000 Btuh of input capacity up to the first 600,000 Btuh, and \$0.07 per each additional 1,000 Btuh.

- (f) Combined space heating and space cooling equipment:
 - (1) Installation of combined space heating and space cooling equipment:
 - a. Minimum fee—\$25.00.
 - b. General rate—70% of the sum of both general rates provided above in section 536-606(d)(1)b and 536-606(e)(1)b as they are applied to the heating output capacity and cooling output capacity, respectively, of the combined space equipment.
 - (2) Replacement of combined space heating and space cooling equipment:
 - a. Minimum fee—\$25.00.
 - b. General rate—70% of the sum of both general rates provided above in section 536-606(d)(2)b and (e)(2)b as they are applied to the heating output capacity and cooling output capacity, respectively, of the combined space equipment.
- (g) Refrigeration equipment:
 - (1) Installation of refrigeration equipment:
 - a. Minimum fee—\$20.00.
 - b. General rate—\$3.00 per horsepower or fraction thereof.
 - (2) Alteration or repair of refrigeration equipment:
 - a. Minimum fee—\$20.00.
 - b. General rate—\$5.50 per \$1,000.00 of total value.

(h) A permit may encompass heating, cooling and refrigeration activity in one (1) fee category to be accomplished within a single structure, regardless of the number of independent systems or equipment units in the structure. The amount of the permit fee for such activity shall be the minimum fee or the general rate, whichever is higher.

Sec. 536-607. Permit fees for demolition or removal of structures.

- (a) ~~One or two family dwelling~~ Class 2 structures:
 - (1) ~~One or two family dwelling~~ Primary Class 2 structures located on the same premises:
 - a. Tallest building is two-story—\$40.00.
 - b. For each additional story of tallest building over two (2) stories, add \$15.00.
 - (2) Accessory ~~structure appurtenant to a one or two family dwelling~~ Class 2 structure—\$25.00.
- (b) ~~Structures other than one or two family residential~~ Class 1 structures:
 - (1) One (1) story:
 - a. Ground floor area up to 2,000 square feet—\$45.00.
 - b. Ground floor area up to 4,000 square feet—\$85.00.
 - c. Ground floor area up to 10,000 square feet—\$125.00.
 - d. Ground floor area up to 20,000 square feet—\$180.00.
 - e. Ground floor area over 20,000 square feet—\$355.00.
 - (2) For each additional story over one (1) story, add 50% of the ground floor area fee.
- (c) Smokestacks, aboveground storage tanks, overhead hoppers, or other similar structures—\$100.00.

Sec. 536-608. Fee for master permit.

The fee for the master permit shall be the sum of the fees (calculated according to sections 536-602, 536-603, 536-604, 536-605, 536-606 and 536-607) for the structural and craft work for which the master permit is issued.

Sec. 536-609. Reinspection fee.

(a) A reinspection fee of seventy-five dollars (\$75.00) may be assessed at the discretion of the administrator (in accordance with a written policy established by the administrator) against a contractor relative to construction activity for which the contractor has obtained a building permit when an additional inspection visit to a construction address is needed because:

- (1) Notice was not given that construction activity was available for inspection within the time period required by section 536-402 and the construction activity is no longer available for inspection; or
- (2) Notice was given pursuant to section 536-402 that construction activity was available for inspection; and:
 - a. The construction activity could not be found because the construction address provided on the permit application was incorrect; or
 - b. The construction activity was not accessible when the inspector attempted to make the requested inspection at the time agreed upon for the inspection (or if no time was agreed upon, between 8:00 a.m. and 5:00 p.m. Monday through Friday on a day that is not a holiday); or
 - c. The construction activity was not yet sufficiently completed for an inspection to be made; or
 - d. The construction activity was covered or otherwise concealed and therefore not available for inspection; or
- (3) A notice of correction was issued to the contractor and either no response from the contractor was made within the time specified for reinspection or the contractor requested reinspection of corrections and the corrections were not properly completed; or
- (4) A certificate required by section 536-301, 536-302, 536-303 or 536-404 was not filed within the time period required by those sections.

(b) A reinspection fee of seventy-five dollars (\$75.00) may be assessed at the discretion of the administrator (in accordance with a written policy established by the administrator) against a contractor relative to construction activity for which a building permit is not required when an additional inspection visit to the construction address is needed because an inspection revealed a substantive violation of the building standards and procedures, resulting in the issuance of a notice of correction.

Sec. 536-610. Miscellaneous inspection fees.

For inspection of premises upon which municipally licensed activities are to be carried out, as specified in section 536-503, initial inspection and annual reinspection—\$26.00 for building inspection, and \$42.00 for fire inspection.

Sec. 536-611. Fee for transfer of building permit.

Fee for transfer of building permit as provided for in section 536-211—\$30.00.

Sec. 536-612. Fee for construction activity not specifically defined above.

If construction activity should not be adequately specified by above sections of this Article VI, the general permit or inspection fee shall be calculated at the following rate:

- (1) Minimum fee (residential) —\$25.00.
- (2) Minimum fee (anything other than residential) —\$30.00.
- (3) General rate—\$5.50 per \$1,000.00 of total value.

Sec. 536-613. Fee exemption relative to construction activity accomplished by or for a governmental unit.

Permits, as required by section 536-201, shall be obtained for construction activity in the city accomplished by or for a governmental unit, and inspections as specified by this chapter relative to such construction activity shall be allowed. Fees shall be required as specified in this article, except for the following:

- (1) Construction activity for which a fee cannot be charged by the municipality because of federal or state law; or
- (2) Construction activity accomplished by a unit of local government, or by its employee or contractor in the course of such employee's or contractor's performance of duties for a unit of local government.

Sec. 536-614. Fee for building permit obtained by telephone communication.

When a building permit is obtained by telephone communication (as provided for in section 536-209) an additional fee of \$7.00 shall be assessed.

Sec. 536-615. Fee for amendment of permit or plans.

Fee for the amendment of a building permit that requires submittal of additional plans, but does not cause the building permit fee to increase, shall be thirty dollars (\$30.00).

Sec. 536-616. Fee for renewal after expiration.

Fee for renewal of a building permit (except for a permit that has expired under section 536-213(c)) shall be thirty dollars (\$30.00).

Sec. 536-617. Fee for accelerated inspection option.

The administrator of the ~~neighborhood and development services~~ division of compliance may institute an accelerated inspection option for contractors who want to secure, quickly and within a definite time period, an inspection of construction activity for which they have secured a building permit. The administrator shall make known the hours during which the accelerated inspection option is available and the time within which an inspection will be made under the option. The fee for the accelerated inspection option shall be forty dollars (\$40.00) for an inspection made from 8:00 a.m. through 5:00 p.m., Monday through Friday on a day that is not a holiday and sixty dollars (\$60.00) for an inspection made any other time. The ~~neighborhood and development services~~ division of compliance may not require that contractors use the accelerated inspection to secure needed inspections.

Sec. 536-618. Refund of fees.

A permit fee paid under this chapter shall not be refunded except upon request and in instances where the permit was issued in error, either because it was not required by law, or because a permit for the same activity previously had been issued and was in force at the time the second permit was applied for and issued.

ARTICLE VII. PENALTIES

Sec. 536-701. Failure to file a proper certificate of completion and compliance.

Any person, partnership or corporation which, being required to do so, fails to file with the ~~neighborhood and development services~~ division of compliance a certificate of completion and compliance in accordance with section 536-301, 536-302, 536-303, or 536-404(b)(3) of this chapter or who files a certificate of completion and compliance which is false in a material respect shall not be eligible to subsequently obtain a building permit until a proper certificate of completion and compliance is filed. This sanction shall in no way limit the operation of penalties provided elsewhere in this chapter.

Sec. 536-702. Authority to withhold issuance of permits.

(a) Whenever a person, partnership or corporation which is either an applicant for or obtainer of a building permit owes fees (including checks returned for insufficient funds, permit fees owed pursuant to section 536-209 or reinspection fees owed pursuant to section 536-609) to the ~~neighborhood and development~~

~~services~~ division of compliance pursuant to this chapter or has failed to maintain the bond and insurance requirements of Chapter 875, the administrator is authorized to withhold the issuance of subsequently requested permits until such time that the debt is satisfied or the bond and insurance requirements are satisfied.

(b) Whenever a person, partnership or corporation applies for a building permit for a structure that is not being used or constructed in conformance with provisions of an applicable zoning ordinance or other ordinance relating to land use, the administrator is authorized to withhold the issuance of requested permits until such time that the real property is brought into compliance with applicable ordinances.

Sec. 536-704. Revocation of permits.

The administrator of the ~~neighborhood and development services~~ division of compliance may revoke a building permit when:

- (1) The application, plans or supporting documents contain a false statement or misrepresentation as to a material fact; or
- (2) The application, plans or supporting documents reflect a lack of compliance with building standards and procedures; or
- (3) There is a failure to comply with the requirements of section 536-202, 536-205, or 536-209; or
- (4) The contractor has failed to maintain the surety bond or insurance required as a condition to his licensure or listing; or
- (5) The contractor has failed to maintain the insurance required by section 536-205 as a prerequisite for obtaining a building permit for the demolition or removal of a structure in excess of seventy-five (75) feet in height.
- (6) The structure for which a building permit has been issued is not being used or constructed in conformance with provisions of an applicable zoning ordinance or other ordinance relating to land use.

This sanction shall in no way limit the operation of penalties provided elsewhere in this chapter.

Sec. 536-705. Stop-work order.

Whenever the administrator of the ~~neighborhood and development services~~ division of compliance or the administrator's authorized representative discovers the existence of any of the circumstances listed below, he is empowered to issue an order requiring the suspension of the pertinent construction ~~activity~~. The stop-work order shall be in writing and shall state to which construction ~~activity~~ it is applicable and the reason for its issuance. The stop-work order shall be posted on the property in a conspicuous place and, if conveniently possible, shall be given to the person doing the construction and to the owner of the property or his agent. The stop-work order shall state the conditions under which construction may be resumed.

- (1) Construction ~~activity~~ is proceeding in an unsafe manner, including, by way of example and not of limitation, in violation of any standard set forth in this chapter or any state rule pertaining to safety during construction; or
- (2) Construction ~~activity~~ is occurring in violation of building standards and procedures or in such a manner that if construction is allowed to proceed, there is a reasonable probability that it will be substantially difficult to correct the violation; or
- (3) Construction ~~activity~~ has been accomplished in violation of building standards and procedures and a period of time which is one-half the time period in which construction could be completed, but no longer than fifteen (15) calendar days has elapsed since written notice of the violation or noncompliance was either posted on the property in a conspicuous place or given to the person doing the construction, without the violation or noncompliance being corrected; or
- (4) Construction ~~activity~~ for which a building permit is required is proceeding without a building permit being in force; in such an instance, the stop-work order shall indicate that the effect of the order terminates if the required building permit is obtained; or
- (5) Construction ~~activity~~ for which a building permit was issued more than thirty (30) days earlier is proceeding without there being in force applicable permits and approvals required by governmental units (including, but not limited to, department of public safety, department of public works, Health

and Hospital Corporation of Marion County, state department of health, state department of natural resources, state highway department) for compliance with standards for air quality, drainage, flood control, fire safety, vehicular access, and waste treatment and disposal on the real estate on which the structure is located; in such an instance, the stop-work order shall indicate that the order is applicable to all construction activity allowed by the building permit and that the effect of the order terminates if the required permits and approvals are obtained; or

- (6) Construction activity is occurring for which a certificate of appropriateness from the Indianapolis Historic Preservation Commission is required pursuant to IC 18-4-22-1 et seq., without a certificate of appropriateness being in force; in such an instance, the stop-work order shall indicate that the effect of the order terminates if the required certificate of appropriateness is obtained.

This sanction shall in no way limit the operation of penalties provided elsewhere in this chapter.

Sec. 536-706. Order forbidding occupancy.

The administrator of the ~~neighborhood and development services~~ division of compliance or the administrator's authorized representative is empowered to issue an order forbidding the occupancy of any structure or part of any structure if construction activity on the structure or applicable part of the structure is not yet completed or has occurred in violation of applicable building standards and procedures.

The order forbidding occupancy shall be in writing specifying whether it is applicable to the entire structure or to only a part of the structure, and shall state the reason for its issuance. The order forbidding occupancy shall be posted on the structure in a conspicuous place and, if conveniently possible, shall be given to the owner of the property or his agent and to any person doing work on the premises. The order forbidding occupancy shall state the conditions under which the structure or part of the structure may be occupied.

This sanction shall in no way limit the operation of penalties provided elsewhere in the chapter.

Sec. 536-707. Civil action.

The Consolidated City of Indianapolis may initiate a civil action in a court of competent jurisdiction to restrain any person, partnership or corporation from violating a provision of this chapter, Chapter 875 or any building standard or procedure. The purposes for which injunctive relief may be obtained shall include, but not be limited to:

- (1) Preventing a person, partnership or corporation which is not licensed as an electrical contractor, heating and cooling contractor or wrecking contractor, is not a registered plumbing contractor or is not a listed contractor from engaging in construction activity for which such licensure, registration or listing is required by Chapter 875; or
- (2) Enforcing the provisions of a stop-work order issued pursuant to section 536-705; or
- (3) Enforcing the provisions of an order forbidding occupancy issued pursuant to section 536-706; or
- (4) Preventing work in violation of a building standard or procedure; or
- (5) Requiring the reconstruction of any structure or building equipment, or part thereof, which was constructed in violation of building standards or procedures.

This sanction shall in no way limit the operation of penalties provided elsewhere in this chapter or Chapter 875.

Sec. 536-708. Securing payment of bonds and drawing against letters of credit.

(a) Recovery of funds upon a surety bond obligation or letter of credit may be made by asserting a claim against the surety or financial institution or by initiating an action in a court of competent jurisdiction.

- (1) A claim may be asserted by providing written notice of the claim to the surety or financial institution. The written notice must be provided within one (1) year of the date when the work occurred which gave rise to the claim or, in the instance when a fee is not paid, one (1) year from the date when the fee was first due and owing.

(2) Court actions may be initiated as follows:

- a. The corporation counsel of the Consolidated City of Indianapolis may initiate an action in a court of competent jurisdiction to recover funds upon a bond obligation or a letter of credit:
 1. To declare a forfeiture on the bond or letter of credit in an amount to be determined by the court up to ten thousand dollars (\$10,000.00) whenever any listing or license issued pursuant to this chapter or Chapter 875 is suspended or revoked; or
 2. To indemnify the Consolidated City of Indianapolis against any loss, damage or expense for damages to property of the city caused by an action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers in violation of requirements of state statute, city regulation or this Revised Code, which requirements must be met to properly carry out construction activity, a land alteration (as defined in section 561-109 of this Code), sewer work (as defined in section 671-1 of this Code) or driveway work (as defined in section 645-421 of this Code) while engaged in any construction activity, land alteration, sewer work or driveway work; or excavation work as defined in section 645-431 of this Code;
 3. To secure payment of any fees owed to the Consolidated City of Indianapolis pursuant to this chapter, Chapter 875, Chapter 561 of this Code, section 671-22 of this Code or sections 645-421 through 645-443 of this Code which have become delinquent, after reasonable notice has been given to the contractor of the delinquency.
- b. A person, partnership or corporation which holds a property interest in the real estate on which construction activity, a land alteration, sewer work, driveway work or excavation work has occurred may initiate an action in a court of competent jurisdiction against the bond or letter of credit for losses arising out of and expenses necessary to correct violations of requirements of state statute, city regulation or this Revised Code which must be met to properly carry out construction activity, a land alteration, sewer work or driveway work, caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers, after written notice of the Code deficiency has been given to the contractor and after the contractor is given a reasonable opportunity to correct performance. If such a person, partnership or corporation prevails in any action brought under this section, he may also recover, as part of the judgement, court costs and attorneys' fees based on actual time expended determined by the court to have been reasonably incurred by the plaintiff in connection with the commencement and prosecution of such action, unless the court in its discretion shall determine that an award of court costs and attorneys' fees would be inappropriate.

(b) A surety shall have no obligation to pay on a bond and a financial institution shall have no obligation to disburse from a letter of credit for losses or expenses arising out of negligent conduct or improper workmanship unless such conduct or workmanship violates requirements of state statute, city regulation or this Revised Code, which requirements must be met to properly carry out construction activity, a land alteration, sewer work, driveway work or excavation.

(c) A surety shall have no obligation to pay on a bond and a financial institution shall have no obligation to disburse from a letter of credit unless either written notice of the claim is given to the surety or financial institution or a court action has been initiated within one (1) year of the date when the work occurred that gave rise to the claim or in the instance when a fee is not paid, one (1) year from the date when the fee was first due and owing. This paragraph shall not be construed to limit the time allowed by state law for the filing of court actions.

(d) If payment is made on a bond or if a letter of credit is drawn against, such bond or letter of credit shall be deemed to not meet the requirements of sections 875-109, 875-216, 875-315 or 875-415. In order to meet the requirements of sections 875-109, 875-216, 875-315 or 875-415, the person, partnership or corporation shall secure a new bond or letter of credit or replenish the bond or letter of credit so that it reflects an obligation in the full amount required for listing or licensure by sections 875-109, 875-216, 875-315 or 875-415.

Sec. 536-709. General penalty.

(a) Any person, partnership or corporation violating any provision of this chapter, Chapter 875 or any building standard or procedure may be subject to a fine in any sum not exceeding two thousand five hundred dollars (\$2,500.00). This penalty shall in no way limit the operation of special penalties for specific provisions of this chapter, nor shall such special penalties in any way limit the operation of this general penalty.

(b) The minimum fine for engaging in construction activity without a license or listing, when required by this chapter or Chapter 875, is one thousand dollars (\$1,000.00).

Sec. 536-710. Metropolitan development commission penalty guidelines.

The metropolitan development commission may establish guidelines establishing recommended civil penalties for various violations of this chapter and Chapter 875.

ARTICLE VIII. MINIMUM CONSTRUCTION STANDARDS

DIVISION 1. GENERALLY

Sec. 536-801. Minimum standards for structures and building equipment ~~not regulated by administrative building council.~~

(a) Building rules of the state fire prevention and building safety commission as set out in the following articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this chapter and shall include later amendments to those articles as the same are published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed therein:

(1) Article 13—Building Codes

- a. Fire and Building Safety Standards (~~675 IAC 13-1~~)
- b. Indiana Building Code (~~675 IAC 13-2~~)
- c. ~~Indiana Building Code Standards (675 IAC 13-3)~~
- d. ~~Indiana Handicapped Accessibility Code (675 IAC 13-4)~~

(2) Article 14—~~One and Two Family Dwelling Codes~~ Indiana Residential Code (formerly known as the Indiana One and Two Family Dwelling Code)

- a. ~~Council of American Building Officials One and Two Family Dwelling Code (675 IAC 14-1)~~
- b. ~~CABA One and Two Family Dwelling Code; Amendments (675 IAC 14-2.1)~~
- c. ~~Standard for Permanent Installation of Manufactured Homes (675 IAC 14-3)~~

(3) Article 16—Indiana Plumbing Codes

(4) Article 17—Indiana Electrical Codes

- a. ~~Indiana Electrical Code (675 IAC 17-1.1)~~
- b. ~~Safety Code for Health Care Facilities (675 IAC 17-2)~~

(5) Article 18—Indiana Mechanical Codes

- a. ~~Indiana Mechanical Code (675 IAC 18-1)~~

(6) Article 19— Indiana Energy Conservation Codes

- a. ~~Indiana Energy Conservation Code (675 IAC 19-1)~~
- b. ~~Modifications to the Model Energy Code (675 IAC 19-2)~~

(7) Article 20—Indiana Swimming Pool Codes

- a. ~~Indiana Swimming Pool Code (675 IAC 202-1)~~

(8) Article 22—Indiana Fire Code

(b) Copies of adopted building rules, codes and standards are on file in the office of the division of compliance development services of the department of metropolitan development for the Consolidated City of Indianapolis.

(c) The appeal of any decision concerning the rules incorporated under subsection (a) of this section shall lie first with the administrator director, division of development services, department of metropolitan development and to the fire prevention and building safety commission as provided by IC 22-13-2-7.

(d) Any variance of a rule adopted herein may be granted only by the fire prevention and building safety commission under IC 22-13-2-11.

Sec. 536-802. Required installation of food waste disposer.

An electrically driven grinder capable of reducing garbage so that it can be accommodated by the sewerage facilities of the Indianapolis Sanitary District shall be installed in the following dwelling units, if such dwelling units have in place or available to them a connection to the sewerage facilities of the Indianapolis Sanitary District:

- (a) Every newly constructed dwelling unit containing a kitchen; and
- (b) Every dwelling unit in which a kitchen is added; and
- (c) Every dwelling unit where construction ~~activity~~ of a value in excess of two thousand dollars (\$2,000.00), for which a building permit is required, is accomplished on a kitchen; and
- (d) Every dwelling unit where construction ~~activity~~ of a value in excess of five hundred dollars (\$500.00), for which a building permit is required, is accomplished on the plumbing system of a kitchen.

DIVISION 2. CONDITION OF PREMISES DURING CONSTRUCTION ACTIVITY; DEMOLITION OR REMOVAL OF STRUCTURES

Sec. 536-821. Public property; walkways; dust control.

Any person, partnership or corporation carrying out construction ~~activity~~ shall comply with the following requirements:

- (1) The use of public property shall meet the requirements of the governmental unit having jurisdiction. Building equipment and materials shall not be placed or stored on public property so as to obstruct free and convenient access to and functioning of any fire hydrant, fire or police call box, utility device, manhole, street, alley or gutter. A protective frame shall be provided for any fire hydrant, fire or police call box or utility device which might be damaged by construction ~~activity~~. Bridges or covers shall be provided for sidewalks and manholes which might be damaged by construction ~~activity~~.
- (2) A walkway shall be constructed and maintained on the sidewalk and alley around the site of construction ~~activity~~ involving the erection, construction, major alteration or razing of any structure (except signs, grandstands, tents, air-supported structures) (1) which has an initial or ultimate height in excess of fifteen (15) feet and (2) which is located (or any part of an excavation more than eight (8) feet in depth relative to such construction ~~activity~~ is located) within twenty (20) feet of the lot line, sidewalk or street (whichever is closer to such structure or excavation); provided, however, that the administrator of the division of development services has the discretion to waive the requirement of placing the walkway on a showing that omission of the walkway will not significantly increase the possibility of injury to persons or damage to property as a result of construction ~~activity~~ on the site. The walkway may be placed further from the site on a sidewalk or within a street or alley if the governmental unit having jurisdiction gives appropriate authorization. Such walkway shall be equipped with suitable lighting devices and illumination shall be provided in the walkway at all times. Such walkway shall at all times be maintained in a clean and sanitary condition and shall be kept free from rubbish, litter and advertising display and shall be provided with suitable solid inclined approaches. Such walkway shall be not less than four (4) feet in width and shall have a durable wearing surface capable of supporting a live load of two hundred (200) pounds per square foot, be provided with a fence along the construction side, a railing along the street side and a full roof above, so as to afford maximum protection to pedestrians. The protective fence shall be no less than eight (8) feet high above the grade and be constructed from three-quarter-inch boards or plywood laid tightly together and securely fastened to four-inch uprights, set not over four (4) feet apart, with two-inch by six-inch bracing and girts. The posts shall be securely

set and braced to prevent buckling and overturning. Openings in the fence shall be protected by doors which are normally kept closed. The protective railings shall be substantially built and when of wood shall be constructed of new material having a nominal size of at least two (2) inches by four (4) inches. Railings shall be at least four (4) feet in height and when adjacent to the excavation shall be provided with a midrail. The protective roof shall have a clear height of eight (8) feet above the walkway. The roof shall be tightly sheathed. The sheathing shall be two-inch nominal wood planking or equal. Such walkways shall be maintained in place and kept in good condition for the length of time construction ~~activity~~ continues, after which it shall be removed within thirty (30) days.

- (3) Emission of excessive dust or particulate matter shall not occur in the course of construction ~~activity~~. A sufficient supply of water shall be available at the site of construction ~~activity~~ in case it may be needed to put out a small fire or settle dust.

Sec. 536-822. Removing structures.

Any person, partnership or corporation carrying out ~~construction activity limited to the~~ demolishing, dismantling, dismembering, razing or removing a structure shall in addition to the requirements of section 536-821 comply with the following requirements:

- (1) The administrator of the division of ~~development services compliance~~ or his authorized representative may, if reasonably necessary to insure public safety, require the licensed wrecking contractor to submit plans and a complete schedule for demolition. Where such are required, no work shall be accomplished until such plans and schedule are approved by the administrator, the division of ~~development services compliance~~, or his authorized representative.
- (2) Blasting and use of explosives shall be accomplished only by a person who has obtained a blasting permit pursuant to the requirements of this Code and by special permission of and under the supervision of the administrator of the division of ~~development services compliance~~, the fire prevention bureau of the appropriate jurisdiction, and the division of air pollution control.
- (3) No open fires or other sources of flame except necessary cutting torches are permitted on the inside of the structure which is being wrecked, or in close proximity to flammable materials located outside of the structure, and every reasonable precaution shall be taken to prevent the possibility of fire.
- (4) Suitable provisions shall be made for the disposal of materials which are accumulated during the wrecking of a structure.
- (5) The buildings, foundations, curbs, sidewalks, concrete or asphalt drives and all appurtenances shall be removed to one (1) foot below the ground line or one (1) foot below subgrade elevation, whichever of the two (2) is lower. Such removal shall also include the removal and disposal of buried or exposed tanks. Concrete slabs, under which a basement, pit, well or cistern exists, shall be broken and removed.
- (6) All rubbish and debris including any goods, merchandise, commodities, products or materials of any kind which may have been stored within the structure being wrecked or on such property shall be removed or cleaned away, the ground leveled off, and the premises put in a clean and sanitary condition; provided, however, that if such property is properly fenced and the erection of a new structure is to be commenced within ninety (90) days, the ground need not be leveled until all such work on the premises is completed.
- (7) Material used for fill or grading shall be only material that can be properly compacted in order to avoid future settlement of filled-in earth or the structure erected over such fill. No pieces of stone, lumber, boards or other material which due to their size or character would prevent proper compaction or would cause later settlement of the surface shall be used in such fill.
- (8) Where a structure is wrecked and an excavation which at any point is eight (8) or more feet below grade level is left unfilled, the fence portion of the walkway required by section 536-821(2) shall remain at the site; provided, however, that the administrator of the division of ~~development services compliance~~ may approve a fence that does not meet the standards of section 536-821(2) so long as it is sufficient to prevent persons, especially children, from falling into the excavation.

Sec. 536-823. Electrical power for on-site construction activity.

(a) No person, partnership or corporation shall accomplish or allow the connection, provision or use of electrical power for on-site construction activity until after a statement of acceptable condition for temporary on-site electrical power has been attached to the temporary service equipment. Such statement shall be in the following form:

STATEMENT OF ACCEPTABLE CONDITIONS FOR TEMPORARY ON-SITE ELECTRICAL POWER

Address of temporary service equipment: _____

The undersigned licensee hereby certifies under the penalties for perjury that:

1. I am an electrical contractor licensed in accordance with Chapter 536 of the Revised Code of Indianapolis-Marion County, Indiana; and
2. I have either personally accomplished or personally inspected all the above referenced electrical work accomplished in connection with the installation of the temporary service equipment, or in the alternative, I have caused such electrical work to be inspected by a responsible and competent employee who works under my direction and control, who has fully reported to me the condition of such electrical work; and
3. I am familiar with building standards and procedures applicable to electrical work accomplished in connection with the installation of temporary service equipment; and
4. I know that such electrical work has been done in compliance with all building standards and procedures; and
5. I acknowledge and understand that if such electrical work is done in violation of building standards and procedures, that under the provisions of Chapter 536 my electrical contractor's license may be suspended or revoked.

Date certificate attached to service equipment: _____

Signature: _____

Electrical contractor license number: _____

Type or printed name: _____

(b) The provision and use of electrical power for on-site construction activity shall be subject to reasonable orders made by the administrator or his authorized representative pertaining to such matters as magnitude, duration and method of furnishing and distributing electrical power.

Sec. 536-824. Temporary sign at site of construction of new structure.

At any location where a structure, not part of or attached to any other structure, is being erected in the consolidated city, the person obtaining the building permit for said structure shall be responsible for placing and maintaining a temporary sign on the premises during construction. The sign shall state the street name and address of the premises as reflected in the building permit and all building permit numbers pertaining to the construction activity accomplished on the premises shall be placed on the sign. The address information on the sign shall be clearly visible from the street. The sign required by this section shall conform to all zoning requirements.

~~DIVISION 3. ONE AND TWO FAMILY DWELLINGS INDUSTRIALIZED BUILDING SYSTEMS AND MOBILE STRUCTURES~~

~~Sec. 536-831. Factory constructed one and two family residential buildings placed on a permanent foundation.~~

~~(a) Indiana law specifies that rules adopted by the fire prevention and building safety commission pursuant to IC 22-11-1 establish construction standards applicable throughout the State of Indiana. One rule, the Indiana One and Two Family Dwelling Code, adopted by reference under section 536-801, establishes construction standards for most one and two family houses. This rule establishes set up and utility connection requirements for the following categories of factory constructed buildings located or used as a one or two family dwelling unit which are placed on a permanent foundation:~~

- (1) ~~One or two family dwelling units which bear a seal certifying compliance with the Indiana One and Two Family Dwelling Code; and~~
- (2) ~~One family dwelling units which bear a seal certifying compliance with the Federal Manufactured Housing Construction and Safety Standards law.~~

~~The Indiana One and Two Family Dwelling Code is, in accordance with state law, enforceable by the division of development services in the Consolidated City of Indianapolis.~~

~~(b) Public Law 312 of the Acts of 1981 authorizes local units of government to adopt underfloor space enclosure requirements for dwelling units, including those units designed and built in a factory which bear a seal certifying compliance with the Federal Manufactured Housing Construction and Safety Standards law. The following categories of factory constructed buildings located or used as a one or two family dwelling unit which are placed on a permanent foundation in Marion County must meet the requirements set forth in this subsection:~~

- ~~(1) One or two family dwelling units which bear a seal certifying compliance with the Indiana One and Two Family Dwelling Code and which are constructed in such manner as to allow the unit to be towed on its own chassis; and~~
- ~~(2) One family dwelling units which bear a seal certifying compliance with the Federal Manufactured Housing Construction and Safety Standards law.~~

~~Such units must be erected on foundations, footings and crawl spaces or basement walls, constructed in accordance with the Indiana One and Two Family Dwelling Code. The space between the floor joists of the unit and the underfloor grade shall be completely enclosed with a permanent perimeter enclosure. The permanent perimeter enclosure shall be constructed of materials allowed by Chapter 3 of the Indiana One and Two Family Dwelling Code, shall have the number and type of access and ventilation openings required by such code and shall be built in such a manner that it will not subject the unit to frost heaving as prescribed in the Indiana One and Two Family Dwelling Code.~~

~~(c) All factory constructed buildings located or used as a one or two family dwelling which are placed on a permanent foundation in Marion County shall contain in each kitchen an electrically driven garbage grinder meeting the requirements of section 536-802 if the dwelling has in place or available to it a connection to the sewerage facilities of the Indianapolis Sanitary District.~~

~~If work at the site involves additional construction or use of components not certified by the dwelling manufacturer pursuant to standards and procedures of the Federal Department of Housing and Urban Development under the Federal Manufactured Housing Construction and Safety Standards law or the fire prevention and building safety commission under Public Law 360 of the Act of 1971, such work must conform with the Indiana One and Two Family Dwelling Code. Where the manufacturers' instructions or procedures differ from those in the Indiana One and Two Family Dwelling Code or this division, the most restrictive requirements shall be followed.~~

~~Sec. 536-832. Factory constructed one and two family residential buildings not placed on a permanent foundation.~~

~~All factory constructed buildings located or used as a one or two family dwelling unit in the consolidated city must comply with the following requirements if the building is not placed on a permanent foundation:~~

- ~~(1) Be supported on footings which are placed on undisturbed earth or on controlled fill free of grass and organic material compacted to a minimum load bearing capacity of two thousand (2,000) pounds per square foot. The footings shall be of such area and spacing as to support the weight of the home when distributed among the piers specified by the manufacturer. The footings may be concrete pads or reinforced concrete slabs extending the length of the buildings.~~
- ~~(2) Be supported above the footings by concrete block, approved pressure treated wood, concrete or steel piers which conform with the manufacturers' instructions and published industry standards, which recognize height and attachment needs and which are acceptable to the administrator of the division of development services.~~
- ~~(3) Be supported and anchored for not less than a wind pressure specified in the Indiana One and Two Family Dwelling Code, adopted by reference under section 536-801, in a manner compatible with the manufacturers' instructions and acceptable to the administrator of the division of~~

development services. Wind anchors shall equal the requirements of Section 11 of the state board of health Rule 410 IAC 6-6. If there is a continuous reinforced concrete support slab, it may be designed to incorporate anchorage attachments. Vertical and diagonal ties between the anchors and the building shall attach to the building as specified by the manufacturer and be of material adequate to meet strength requirements. If anchors and building supports are not a single rigid combination, adjustment means must be provided to prevent damage to buildings due to frost heaving.

- (4) Have a minimum twelve inch servicing clearance between the structural members below the building and the earth or concrete. If water can accumulate in this space, drainage must be provided.
- (5) Provide electric service in accordance with the Indiana Electrical Code, adopted by reference under section 536-801.
- (6) Have potable water and sewer connections conforming with Sections 10 and 11 of Indiana Plumbing Code, adopted by reference under section 536-801. Between grade level and the dwelling, sufficient pipe fixture must be provided to absorb the effect of frost heaving. The potable water connection shall include a main shutoff valve and be protected against freezing in accord with the manufacturers' instructions. A food disposal unit meeting the requirements of section 536-802 shall be installed if the dwelling has a place or available to it a connection to the sewerage facilities of the Indianapolis Sanitary District.
- (7) Fuel piping from grade to the dwelling shall conform with the Indiana Mechanical Code, adopted by reference under section 536-801, and be able to flex enough to absorb the effect of frost heaving. Facilities for storing fuel oil or LP gas shall meet the requirements of the state fire marshal. If a furnace or water heater within the building draws in combustion air from space below the dwelling floor, a permanent opening of equivalent free area must be placed in the perimeter enclosure. If heating or cooling equipment is not installed within the delivered building, its construction and installation shall conform with the Indiana Mechanical Code and Indiana Electrical Code.
- (8) Have siding or skirting (or a more durable material) enclosing the entire perimeter of the home from grade level to the lower edge of the home. Such siding or skirting and back-up framing shall be weather resistant, noncombustible or self extinguishing materials, which blend with the exterior siding of the home. Below grade level, and for a minimum distance of six (6) inches above finish grade, the materials shall be unaffected by decay or oxidation. The siding shall be installed in accordance with manufacturer's recommendations or approved equal standards. The siding or skirting shall be ventilated by openings, which shall have a net area of not less than one and one-half (1½) square feet for each twenty-five (25) linear feet of exterior perimeter. The openings shall be covered with corrosion resistant wire mesh not larger than one-half (½) inch in any dimension. The underfloor area shall be provided with an eighteen inch by twenty-four inch minimum size access panel, which shall not be blocked by pipes, ducts or other construction interfering with the accessibility of the underfloor space, or other approved access mechanism.

See 536-833. Application of this division.

- (a) The division has no application to:
 - (1) Panelized construction and modular components of structures;
 - (2) Recreational vehicles such as land cruisers and travel trailers that are on wheels, capable of being moved and not suitable for permanent residential occupancy;
 - (3) Factory constructed buildings that:
 - a. Were located for use as dwellings in Marion County prior to July 1, 1982;
 - b. Have been actually used as dwellings without significant interruption since a date prior to July 1, 1982; and
 - c. Have not been moved to another location on July 1, 1982, or after;
 - (4) Factory constructed buildings that are located in a mobile home park licensed by the Indiana State Board of Health.

~~(b) The intent of this division is to recite and impose set-up, underfloor space enclosure and utility connection requirements for factory constructed buildings used as a dwelling that are in addition to other federal, state and local government requirements including building, health and zoning requirements. This division shall not be interpreted as authorizing location or use of factory constructed buildings for dwelling purposes on the sole basis of compliance with requirements set forth in this division.~~

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Proposal No. 698, 2001 was retitled GENERAL ORDINANCE NO. 2, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 2, 2002

PROPOSAL FOR A GENERAL ORDINANCE to amend the zoning ordinances of the "Revised Code of the Consolidated City and County" to reflect the consolidation of the department of public works and the department of capital asset management into one (1) department under the name of "department of public works," to reflect the reorganization of the division of permits of the department of metropolitan development under the new name "division of compliance," and to make corresponding technical corrections.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 730-301 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 730-301. Application for Improvement Location Permit.

Application for Improvement Location Permits shall be made upon forms prescribed by the Commission, shall include a legal description of the lot, and shall be accompanied by the following:

- (1) *Required site plan.* An accurate site plan in duplicate, drawn to scale, showing:
 - a. Location of right-of-way line or lines of all streets, alleys and easements located adjacent to or within the lot. Location of centerline of all streets and dimension to right-of-way line(s).
 - b. Location and dimensions of private drives and interior access roads, including connection to public streets and proposed driveway entrances and exits.
 - c. Names of all adjacent streets, private drives and interior access roads.
 - d. Address of proposed structure or use, as assigned by the Department of Metropolitan Development.
 - e. The lot and dimensions thereof.
 - f. Setbacks, minimum required front, side and rear yards.
 - g. Existing structures (location, dimensions to lot lines and size), except structures to be razed prior to or contemporaneously with construction pursuant to the permit.

- h. Proposed location of structure(s) on lot, indicating dimensions to all lot lines.
 - i. Accurate dimensions of structure(s) proposed.
 - j. Signs, including location, dimensions to lot lines, type and size.
 - k. Size, height, and location of landscaping, screens, walls, fences (when required by ordinance or grant of variance).
 - l. Off-street parking area (when required by ordinance or grant of variance), including dimensions or parking spaces, driveways and maneuvering aisles.
 - m. Off-street loading area (when required by ordinance or grant of variance), including dimensions.
- (2) *Other required information, plans, exhibits, evidence of submission of plans to other governmental agencies.*
- a. Any other information, plans or exhibits required by or to indicate compliance with applicable zoning ordinances, this article, covenants, commitments and conditions of grants of variance.
 - b. Any other applicable information, plans or exhibits required by the Improvement Location Permit form, including but not limited to:
 - 1. Evidence of the applicant's submission of required plans to the ~~Indianapolis Department of Capital Asset Management (DCAM)~~ division of compliance.
 - 2. Evidence of the applicant's submission of a required drainage plan to the ~~Indianapolis DCAM~~ division of compliance. Provided, however:
 - i. ~~At the request of the DCAM, The~~ Improvement Location Permit issuance may be withheld for a period not to exceed five (5) business days if in the opinion of the ~~DCAM Administrator~~ commencement under such plan may result in a hazard to the public health, safety or general welfare.
 - ii. If the ~~DCAM~~ division of compliance approves such plan, or at the expiration of such five (5) days has neither approved nor disapproved the plan, the permit shall be issued.
 - iii. If the ~~DCAM~~ division of compliance disapproves the plan, the permit shall not be issued except in accordance with paragraph iv.
 - iv. In the event of disapproval of the drainage plan by the ~~DCAM~~ division of compliance, a written statement of the reasons for disapproval shall be provided to the Administrator and to the applicant. The Administrator may then authorize issuance of the Improvement Location Permit if the applicant shows an immediate hardship will accrue if such permit is not issued, the applicant covenants to comply with the requirements of the ~~DCAM~~ division of compliance regarding drainage, and the Administrator, upon consultation with the ~~DCAM~~ division of compliance, determines that proceeding with construction would not result in a hazard to the public health, safety or general welfare.

SECTION 2. Section 730-307 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 730-307. Construction of language and definitions.

(a) *Construction of language.* The language of this article shall be interpreted in accordance with the following regulations:

- (1) The particular shall control the general.

- (2) In the case of any difference of meaning or implication between the text of this article and any illustration or diagram, the text shall control.
- (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (4) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (5) A "building" or "structure" includes any part thereof.
- (6) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- (7) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either . . . or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either . . . or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

(b) *Definitions.*

Administrator. Administrator of the ~~neighborhood and development services~~ division of compliance or his/her appointed representative.

Alteration. Any change in type of occupancy, or any change, addition or modification in construction of the structural members of an existing structure, such as walls, or partitions, columns, beams or girders, as well as any change in doors or windows or any enlargement to or diminution of a structure, whether it be horizontally or vertically.

Antenna. A device that is designed to receive:

- (1) Direct broadcast satellite service, including direct-to-home satellite services; or
- (2) Video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services; or
- (3) Television broadcast signals.

Building. Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having a permanent roof supported by columns or walls.

Commission. The Metropolitan Development Commission of Marion County, Indiana.

Commitment. An official agreement concerning and running with the land as recorded in the office of the Marion County Recorder.

Condition. An official agreement between the municipality and the petitioner concerning the use or development of the land as imposed by the Board of Zoning Appeals.

Division of compliance. The division of compliance of the department of metropolitan development.

Erect. Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, or any other way of bringing into being or establishing.

Fence. A type of structural barrier usually made of posts supporting such items, by way of example, as chain link, wood pickets, lattice-work, and similar items.

Frontage (street frontage). The line of contact of a property with the street right-of-way along a lot line.

Mini-barn. A freestanding, completely enclosed, accessory building constructed of stone, brick, metal or wood designed with a rural character and intended for the storage of personal property solely of the occupants of the primary use on the lot (see also shed).

Right-of-way. Specific and particularly described strip of land, property, or interest therein devoted to and subject to the lawful use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially recorded by the office of the Marion County Recorder.

Right-of-way, private. Specific and particularly described strip of privately held land, property, or interest therein devoted to and subject to use for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as officially recorded by the office of the Marion County Recorder.

Right-of-way, public. Specific and particularly described strip of land, property, or interest therein dedicated to and accepted by the municipality to be devoted to and subject to use by the general public for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, officially recorded by the office of the Marion County Recorder.

Shed. A freestanding, completely enclosed, accessory building, designed and intended for the storage of personal property solely of the occupants of the primary use on the lot (see also mini-barn).

Sign. Any structure, fixture, placard, announcement, declaration, device, demonstration or insignia used for direction, information, identification or to advertise or promote any business, product, goods, activity, services or any interests.

Site plan. The development plan, or series of plans, drawn to scale, for one (1) or more lots on which is shown the existing and proposed location and conditions of the lot including as required by ordinance, but not limited to: topography, vegetation, drainage, floodplains, marshes, and waterways; open spaces, walkways; means of ingress and egress; utility services; landscaping; buildings, structures, signs, lighting and screening devices, center lines of rights-of-way, and dimensions.

Street, private. A privately held right-of-way, with the exception of alleys, essentially open to the sky and open for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a right-of-way for such purposes. A private street may be comprised of pavement, shoulders, curbs, sidewalks, parking spaces, and the like.

Street, public. A publicly dedicated, accepted and maintained right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a public right-of-way for such purposes. A public street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking spaces, and the like.

Structural barrier. A physical structure, such as a fence, wall, or railing, that forms a boundary of, or enclosure to, a property or acts as a division between properties.

Structure. For purposes of this article, a "structure," for which an Improvement Location Permit shall be required, shall include any building, sign or other structure, constructed or erected, the use of which requires a more or less specific location upon the ground, whether permanently affixed to the ground, temporary or mobile. For purposes of this article, an underground storage tank also shall be considered a structure for which an Improvement Location Permit shall be required within the W-1 and W-5 districts of Chapter 735, Article VIII of this Code.

Thoroughfare plan. The segment of the Comprehensive Plan for Marion County, Indiana, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to IC 36-7-4 that sets forth the location, alignment, dimensions, identification and classification of freeways, expressways, parkways, primary arterials, secondary arterials, or other public ways as a plan for the development, redevelopment, improvement, and extension and revision thereof.

Underground storage tank. The definition of an underground storage tank shall be as defined in Chapter 735, Article VIII of this Code.

SECTION 3. Section 730-401 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 730-401. Exceptions.

(a) The Administrator of the division of planning ~~and zoning~~ of the Department of Metropolitan Development shall make a determination of EXCEPTION to the above underground utility line regulations as applied to any specific land area, upon sufficient evidence that the underground location of utility lines therein would be undesirable, infeasible, unnecessary or inappropriate because of the size, design, number of units or character of the proposed development, its relationship to existing or planned adjacent uses, or other relevant planning considerations of land use, location, site design, physical or environmental conditions, aesthetics, economics or technology.

(b) Such determination of EXCEPTION shall be made upon petition by the owner(s) of fifty (50) percent or more of the subject land area and/or by the utility. The Administrator shall furnish notice of his determination or denial of EXCEPTION to the petitioner(s) and the utility.

The Administrator's determination or denial of EXCEPTION shall be subject to the filing of an appeal within ten (10) days from the date thereof, by any aggrieved person, to the Metropolitan Development Commission. Upon appeal, the Commission shall consider the petition for EXCEPTION de novo.

No public or individual notice of such petition for EXCEPTION or appeal to the Commission shall be required.

SECTION 4. Section 730-501 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 730-501. Definitions.

For purposes of this article, the following definitions shall be applied:

Administrator means the Administrator of the Division of ~~Development Services~~ Compliance of the Department of Metropolitan Development of the Consolidated City of Indianapolis.

Designated enforcement entity means the Metropolitan Development Commission of Marion County, Indiana.

Inoperable motor vehicle means:

- (1) A motor vehicle from which there has been removed the engine, transmission or differential or that is otherwise partially dismantled or mechanically inoperable; or
- (2) Any motor vehicle which cannot be driven on a city street without being subject to the issuance of a traffic citation by reason of its operating condition or the lack of a valid license plate.

Inspectors means employees of the division of ~~development services~~ compliance authorized by the Administrator to enter, examine and survey all lands within Marion County to accomplish the enforcement of all zoning ordinances and land use regulations of Marion County.

Land use petition means a rezoning petition, variance petition, approval petition, special exception petition, or any other petition permitted by the rules of procedure adopted by the Metropolitan Development Commission of Marion County or the Metropolitan Board of Zoning Appeals.

Site improvement means the erection, construction, placement, repair, alteration, conversion, removal, demolition, maintenance, moving, razing or remodeling of any new or existing structure or any part thereof; any activity for which an Improvement Location Permit is required.

Zoning districts mean the districts depicted by the comprehensive zoning maps of Marion County, Indiana.

SECTION 5. Section 731-102 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 731-102. Definitions.

The words in the text ~~or illustrations~~ of this ~~ordinance article and Article II of this chapter~~ shall be interpreted in accordance with the definitions set forth below. ~~The illustrations and diagrams in this section provide graphic representation of the concept of a definition; the illustration or diagram is not to be construed or interpreted as a definition itself.~~

- (1) *Abut*: To physically touch or border upon; or to share a common property line.
- (2) *Access*: The way by which vehicles shall have ingress to and egress from a land parcel or property and the either street fronting along said property or parcel or an abutting alley.
- (3) *Access drive*: That area within the right-of-way between the pavement edge or curb and the right-of-way line providing ingress and egress to and from a land parcel or property. (See Diagram A [not included herein].)
- (4) *Accessory*: A subordinate structure, building or use that is customarily associated with, and is appropriately and clearly incidental and subordinate in use, size, bulk, area and height to the primary structure, building, and use, and is located on the same lot as the primary building, structure, or use.
- (5) *Administrator*: Administrator of the Division of ~~Development Services~~ Planning or his/her appointed representative.
- (6) *Agricultural enterprise*: The land use of farming, cultivation of crops, dairying, pasturage, horticulture, floriculture, viticulture, animal and poultry husbandry, with the necessary, accompanying accessory use(s), building(s), or structure(s) for housing, packing, treating, or storing said products.
- (7) *Alley*: Any public right-of-way which has been dedicated or deeded to and accepted by the public for public use as a secondary means of public access to a lot(s) otherwise abutting upon a public street and not intended for traffic other than public services and circulation to and from said lot(s).
- (8) *Alteration*: Any change in type of occupancy, or any change, addition or modification in construction of the structural members of an existing structure, such as walls, or partitions, columns, beams or girders, as well as any change in doors or windows or any enlargement to or diminution of a structure, whether it be horizontally or vertically.
- (9) *Antenna*. A device that is designed to receive:
 - a. Direct broadcasts satellite service, including direct-to-home satellite services; or
 - b. Video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services; or
 - c. Television broadcast signals.
- (10) *Attached multifamily dwelling*: See "Dwelling, multifamily attached."
- (11) *Awning*: A roof-like cover, often of fabric, metal or glass designed and intended to either protect from the weather or as a decorative embellishment, and which is supported and projects from a wall or roof of a structure over a window, walk, door, or a similar feature.
- (12) *Balcony, exterior*: An unenclosed platform structure supported by and projecting from the exterior side of a building gaining sole access from said building, and designed and intended for either decorative purposes or lounging, dining, and similar activities.
- (13) *Basement*: That portion of a building with an interior vertical height clearance of not less than seventy-eight (78) inches and having one-half or more of its interior vertical height clearance below grade level.
- (14) *Bathhouse*: An accessory building of one or more rooms not open to the public, designed and intended for exclusive use by occupant(s) of the primary use and their guest(s) as dressing room(s) and may or may not include sanitary facilities.

- (15) *Bed and breakfast*: The commercial leasing of bedroom(s) for guest(s) within a private, owner-occupied, one- or two-family dwelling unit. Such leasing provides temporary accommodations, typically including a morning meal, to overnight guests for a fee. Such leasing may also provide for the temporary accommodation of daytime meetings or receptions for guests for a fee. Such leasing caters largely to tourists and the travelling public.
- (16) *Boarding house*: A community facility, other than hotels, motels, containing accommodation facilities in common where lodging, typically with meals reserved solely for the occupants thereof, is provided for a fee.
- (17) *Buildable area*: The area of a lot remaining after the minimum yard and open space requirements of the applicable zoning ordinance(s) have been met. (See Diagram B [not included herein]).
- (18) *Building*: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having an enclosed space and a permanent roof supported by columns or walls.
- (19) *Building area*: The total ground area, within the lot or project, covered by the primary structure, plus garages, carports and other accessory structures which are greater than eighteen (18) inches above grade level, excluding fences and walls not attached in any way to a roof (See Diagram B [not included herein].)
- (20) *Cabana*: Same as "Bathhouse."
- (21) *Canopy*: A rooflike cover, often of fabric, metal, or glass on a support, which is supported in total or in part, from the ground providing shelter over a doorway or outside walk.
- (22) *Carport*: A roofed structure designed and intended to shelter the automotive vehicle(s) of the premises' occupant(s) or owner(s), with at least one side permanently open to the weather.
- (23) *Child, per IC 12-7-2-28*: An individual who is less than eighteen (18) years of age.
- (24) *Child care, per IC 12-7-2-28.2*: A service that provides for the care, health, safety, and supervision of a child's social, emotional, and educational growth.
- (25) *Child care home, per IC 12-7-2-28.6*:
 - a. A residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian or other relative) at any time receive child care from a provider:
 - 1. While unattended by a parent, legal guardian, or custodian;
 - 2. For regular compensation; and
 - 3. For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.
 - b. The term includes:
 - 1. A class I child care home;
 - 2. A class II child care home; and
 - 3. Exempt licenses, per IAC 3-1.1-26.
- (26) *Class I child care home, per IC 12-7-2-33.7*:
 - a. A child care home that serves any combination of full-time and part-time children, not to exceed twelve (12) children at any one (1) time.
 - b. A child:

1. For whom the provider of care is a parent, stepparent, guardian, custodian or other relative; and
2. Who is at least seven (7) years of age;

shall not be counted in determining whether the child care home is within the limit set forth in subsection a.

(27) *Class II child care home, per IC 12-7-2-33.8:*

- a. A child care home that serves more than twelve (12) children but not more than any combination of sixteen (16) full-time and part-time children at any one (1) time.
- b. A child:
 1. For whom the provider of care is a parent, stepparent, guardian, custodian, or other relative; and
 2. Who is at least seven (7) years of age;

shall not be counted in determining whether the child care home is within the limit set forth in subsection a.

(28) *Cluster:* A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive features in perpetuity.

(29) *Cluster subdivision:* A form of development for single-family residential subdivisions that permits a reduction in the minimum lot: area, width, setback and open space requirements and to concentrate development in specific areas of the subdivision while also maintaining the same overall density permitted under a conventional subdivision in a given zoning district, and, the remaining land area is devoted to open space, or recreational areas in perpetuity.

(30) *Collector street:* See "Street, collector."

(31) *Commission:* The Metropolitan Development Commission of Marion County, Indiana.

(32) *Commitment:* An officially recorded agreement concerning and running with the land as recorded in the office of the Marion County Recorder.

(33) *Comprehensive plan:* The applicable comprehensive or master plan for Marion County, Indiana, or a segment thereof, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to ~~Chapter 283 of the Acts of the Indiana General Assembly for 1955~~ IC 36-7-4-500 Series, and all acts amendatory thereto.

(34) *Condition:* An official agreement between the municipality and the petitioner concerning the use or development of the land as specified in the letter of grant of a variance, special exception or approval petition as signed by the Administrator.

(35) *Condominium:* A building, group of buildings, or portion thereof, in which units are owned individually, and the structure, common areas, or facilities are owned by all the owners on a proportional, undivided basis.

(36) *Corner lot:* See "Lot, corner."

(37) *Covenant:* A private legal restriction on the use of land contained in the deed, plat and other legal documents pertaining to the property.

(38) *Covenant, parol:* A verbal, binding agreement, made at a public parol hearing, restricting the use of the land.

(39) *Covered open space:* See "Open space, covered."

(40) *Crown of the street:* The highest point of pavement between the existing curb lines of a street cross-section, most often at the center line.

- (41) *Cul-de-sac*: See "Street, cul-de-sac."
- (42) *Curb cut*: The opening along the curb line, exclusive of handicap ramps, at which point vehicles may enter or leave the street. (See Diagram A [not included herein].)
- (43) *Curb line*: A line located on either edge of the pavement, but within the right-of-way line. (See Diagram A [not included herein].)
- (44) *Deck*: A ground-supported, unenclosed, accessory platform structure, usually constructed of wood, of which any permanent horizontal area(s) of the platform is raised eighteen (18) inches or more above grade level designed and intended for the recreational enjoyment of the occupants and guests of the primary structure or use.
- (45) *Double dwelling*: Same as "Dwelling, two-family."
- (46) *Drip line*: The perimeter of a tree's spread measured to the outermost tips of the branches and extending downward to the ground.
- (47) *Driveway*: Access for vehicular movement to egress/ingress between the right-of-way of private or public streets and the required building setback line. (See Diagram A [not included herein].)
- (48) *Duplex*: Same as "Dwelling, two-family."
- (49) *Dwelling, manufactured home*: A unit which is fabricated in one or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process. Every module shall bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards. The unit must have been built after January 1, 1981, have at least nine hundred fifty (950) square feet of main floor area (exclusive of garages, carports, and open porches), and exceed twenty-three (23) feet in width.
- (50) *Dwelling, mobile*: A movable or portable unit fabricated in one or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process. The unit is designed for occupancy by one family, and erected or located as specified by Chapter 8, Article III, Division IV of the Code of Indianapolis and Marion County, and which was either:
 - a. Constructed prior to June 15, 1976, and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council; or,
 - b. Constructed subsequent to or on June 15, 1976, and bears a seal certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards law.
- (51) *Dwelling, modular home*: A unit which is fabricated in one or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process, designed for occupancy by one family unit. Every module shall bear the seal certified that it was built in compliance with Indiana Public Law 360. The unit must have been built in compliance with the CABO One and Two-Family Dwelling Code.
- (52) *Dwelling, multifamily*: See "Dwelling, attached multifamily."
- (53) *Dwelling, attached multifamily*: A building for residential purposes with three (3) or more dwelling units, having common or party walls, on a single lot. Each unit is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common or individual stairwell(s) exterior to any dwelling unit(s).
- (54) *Dwelling, single-family*: A site-built building for one dwelling unit.
- (55) *Dwelling, two-family*: A building designed originally for residential occupancy by two (2) families living independently of each other, which contains two, legally complete, dwelling units. Each unit in a two-family dwelling is completely separated from the other by either; a)

an unpierced wall extending from ground to roof; or, b) an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

- (56) *Dwelling unit*: One or more rooms connected together in a residential building or residential portion of a building, which are arranged, designed, used and intended for use by one or more human beings living together as a family and maintaining a common household for owner occupancy or rental or lease on a weekly, monthly, or longer basis; and which includes lawful cooking, eating, sleeping space and sanitary facilities reserved solely for the occupants thereof.
- (57) *Erect*: Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, or any other way of bringing into being or establishing.
- (58) *Excavation*: The breaking of ground, except common household gardening, ground care and agricultural activity.
- (59) *Family*: One or more human beings related by blood, marriage, adoption, foster care or guardianship together with incidental domestic servants and temporary, noncompensating guests; or, not more than four (4) human beings not so related, occupying a dwelling unit and living as a single housekeeping unit.
- (60) *Fence*. A type of structural barrier usually made of posts supporting such items, by way of example, as chain link, wood pickets, lattice-work, and similar items.
- (61) *Finished floor area*: That portion of floor area constructed, completed and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, sanitary, or combination thereof. A floor area or portion thereof used only for storage purposes and not equipped with the facilities previously identified shall not be considered finished floor area.
- (62) *Floor area*: For one- and two-family dwelling units, the sum of all horizontal surface areas of all floors of all roofed portions of a building enclosed by and within the surrounding exterior walls or roofs, or the center line(s) of party walls separating such buildings or portions thereof. The floor area of a building shall exclude all areas with a vertical height clearance less than seventy-eight (78) inches, exterior open balconies, and open porches.

For attached or detached multifamily dwelling(s), the sum of all horizontal surface areas of all floors of all roofed portions of all buildings enclosed by and within the surrounding exterior walls or roofs, or the center line(s) of party walls separating such buildings or portions thereof.

However, this does not include the following:

- a. All areas with a vertical height clearance less than seventy-eight (78) inches;
 - b. All exterior open balconies, and open porches;
 - c. Floor or basement floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space;
 - d. Floor or basement floor area provided for recreational uses, available to occupants of two (2) or more living units within a project; or
 - e. Basement floor area provided for storage facilities, allocated to serve individual living units within a project.
- (63) *Floor area ratio (FAR)*: The aggregate floor area of all stories of all buildings within the project divided by the land area.
 - (64) *Front lot line*: See "Lot line, front."
 - (65) *Front yard*: See "Yard, front."
 - (66) *Frontage*: The line of contact of a property with the street right-of-way along a lot line which allows unobstructed, direct access to the property.

- (67) *Frontage, public street*: The line of contact of abutting property with the public street along the front lot line which allows unobstructed direct access to the property.
- (68) *Full control of access*: The condition where the right of the owner(s) or occupant(s) of abutting property(ies), or of other persons, to access said property(ies), including the location and connection with public streets, is controlled by public authority. Full control of access gives preference to through vehicular traffic movement, by providing access connections with selected public streets only, and by prohibiting both crossings at grade and direct driveway connections.
- (69) *Game court*: A type of recreation facility which consists of an unpaved or paved, accessory, surface area of ground open and essentially unobstructed to the sky, on the same lot as the primary structure, designed and intended for the playing of a recognized sport as an accessory, recreational activity by the occupants and guests of the primary structure, which may include fencing, screening, nets, goals, or other necessary appurtenances required for the recreational use.
- (70) *Garage, residential*: A building accessory to a residential use, or an enclosed area attached or integrated into a residential building, which is primarily designed and intended to be used for the storage of the private vehicle(s) for the occupant(s) of said residence and is not a separate commercial enterprise available to the general public.
- (71) *Gazebo*: A roofed, ground-supported, unenclosed, accessory platform structure, usually constructed of wood, stone, brick, or metal designed and intended for the recreational enjoyment of the occupants and guests of the primary structure or use.
- (72) *Grade, established street*: The crown elevation of a street pavement level abutting the property as fixed by the appropriate government agency(ies).
- (73) *Grade level (adjacent ground elevation)*: The lowest point of elevation of the finished surface of the ground, paving or sidewalk and similar surface improvements within the area between the exterior walls of a primary building or structure and the property line, or when the property line is more than ten (10) feet from said walls, between said walls and a line ten (10) feet away from and paralleling said walls.
- (74) *Gross acre*: A horizontal measure of land area equal to forty-three thousand five hundred sixty (43,560) square feet.
- (75) *Ground cover*: Low-growing plants less than eighteen (18) inches in height with a spreading growth habit, such as grasses, vines, flowers, or a similar feature.
- (76) *Ground floor*: That story which contains finished floor area closest to but not below grade level. In cases in which the only story with finished floor area is below grade level, that story with finished floor area closest to grade level shall be considered the ground floor.
- (77) *Group home*: A residential facility for the developmentally disabled (as defined by IC 12-7-2-166) or a residential facility for the mentally ill (as defined in IC 12-7-2-167), licensed by the Community Residential Facilities Council, or its successor in authority in accordance with a program described in:
 - a. IC 12-11-1 (residential facility for the developmentally disabled); or
 - b. IC 12-22-2-3(2) through 12-22-2-3(6) (residential facility for the mentally ill).
- (78) *Handicap ramp*: Same as "Pedestrian ramp."
- (79) *Hard-surfaced*: Quality of an outer area being solidly constructed of pavement, brick, paving stone, tile, wood, or a combination thereof.
- (80) *Hedge*: A row or rows of closely planted shrubs, bushes, or combination thereof creating a vegetative barrier.
- (81) *Height, building*: The vertical distance above a reference line measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the height of the highest gable of a pitched or hipped roof. The reference line shall be selected by either of the following, whichever yields a greater building height:

- a. The elevation of the highest adjoining sidewalk or ground surface within a ten (10) foot horizontal distance from and paralleling the exterior wall of the building or structure when said sidewalk or ground surface is not more than ten (10) feet above lowest grade; or
 - b. An elevation ten (10) feet higher than the lowest grade when said sidewalk or ground surface is more than ten (10) feet above the lowest grade.
- (82) *Heliport*: An area of land, water or structural surface which is used, or intended for use, for the lawful landing and takeoff of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and auxiliary facilities, such as, parking areas, waiting rooms, fueling, storage and maintenance equipment areas.
- (83) *Helistop*: An area of land, water or structural surface which is used, or intended for use, for the landing and takeoff of helicopters, without the provision of fueling, repair, maintenance or storage facilities.
- (84) *Home occupation*: An occupation or business activity carried on within:
- a. A legally established dwelling unit, or;
 - b. An associated accessory structure (in those cases where the business activity is a legally established nonconforming occupation which occupies such associated accessory structure), by a resident of said dwelling, where the occupation or business activity is clearly incidental and subordinate to the residential use and does not alter the character thereof.
- (85) *Hospital*: An institution housed in a building, group of buildings or portion thereof, providing primary health services and psychological, medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient or training facilities.
- (86) *Hotel*: Any building or group of buildings, containing guest rooms without direct access to the outside, designed or intended to be occupied for sleeping purposes by guests for a fee with general kitchen and dining room facilities provided within the building or an accessory building, and which caters to the travelling public.
- (87) *Interior access drive*: A minor, private or public street providing access within the boundaries of a project beginning at the required setback line. (See Diagram A [not included herein].)
- (88) *Interior access driveway*: Access for vehicular movement to egress/ingress between interior access drives connecting two (2) or more projects or land parcels. (See Diagram A [not included herein].)
- (89) *Land area*: The total horizontal area within the project boundaries, plus the area of half of any abutting alley or street rights-of-way.
- (90) *Landscaping*: Any combination of sculpture, fountains, pools, and walkways with substantial living vegetation, such as trees, shrubs, ground cover, thickets with grasses planted, preserved, transplanted, maintained and groomed to develop, articulate and enhance the aesthetic quality of the area as well as provide erosion, drainage and wind control.
- (91) *Legally established nonconforming building or structure*: Any continuous, lawfully established building or structure erected or constructed prior to the time of adoption, revision or amendment, or granted variance of the zoning ordinance, but which fails, by reason of such adoption, revision, amendment or variance, to conform to the present requirements of the zoning district.
- (92) *Legally established nonconforming use*: Any continuous, lawful land use having commenced prior to the time of adoption, revision or amendment of a zoning ordinance, but which fails, by reason of such adoption, revision, amendment, or variance to conform to the present requirements of the zoning district.
- (93) *Livability space*: The open space minus the vehicle area within the open space.

- (94) *Livability space ratio (LSR)*: The livability space divided by the floor area.
- (95) *Local street*: See "Street, local."
- (96) *Lot*: A piece, parcel, plot or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single ownership or control and occupied or intended for occupancy by a use permitted in the zoning ordinances for Marion County, Indiana, including one or more main buildings, accessory uses thereto and the required yards as provided for the zoning ordinances of Marion County, Indiana and may consist of:
- a. A single lot of record; or
 - b. A portion of a lot of record; or
 - c. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record.
- A lot may or may not coincide with a lot of record. For purpose of this definition, the ownership of a lot is further defined to include:
- a. The person(s) who holds either fee simple title to the property or is a life tenant as disclosed in the records of the township assessor;
 - b. A contract vendee;
 - c. A long-term lessee (but only if the lease is recorded among the records of the County Recorder and has at least twenty-five (25) years remaining before its expiration at the time of applying for a permit). (See Diagram C [not included herein].)
- (97) *Lot area*: The area of a horizontal plane bounded on all sides by the front, rear, and side lot lines that is available for use or development and does not include any area lying within the right-of-way of any public or private street or easement for surface access ingress or egress into the subject lot or adjoining lots.
- (98) *Lot, corner*: A lot abutting upon two (2) or more streets at their intersections, or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees. (See Diagram C [not included herein].)
- (99) *Lot, through*: A lot which fronts upon two (2) parallel streets, or which fronts upon two (2) streets which do not intersect at the boundaries of the lot. (See Diagram C [not included herein].)
- (100) *Lot line*: The legal boundary of a lot as recorded in the office of the Marion County Recorder.
- (101) *Lot line, front*: The lot line(s) separating the lot from street rights-of-way; in the case of a corner lot, both lot lines separating the lot from the street rights-of-way shall be considered front lot lines; or, in the case of a through lot, the lot line which most closely parallels the primary entrance of the primary structure shall be considered the front lot line. (See Diagram B [not included herein].)
- (102) *Lot line, rear*: A lot line which is opposite and most distant from the front lot line, or in the case of a triangularly shaped lot, a line ten (10) feet in length with the lot, parallel to and at the maximum distance from the front lot line. However, in the case of a corner lot line, any lot line which intersects with a front lot line shall not be considered a rear lot line.
- (103) *Lot line, side*: Any lot line not designated as a front or rear lot line.
- (104) *Lot of record*: A lot which is part of a subdivision or a lot or a parcel described by metes and bounds, the description of which has been so recorded in the Office of the Recorder of Marion County, Indiana. A lot of record is not necessarily a piece, parcel, plot or tract designated or used for single ownership.
- (105) *Main floor area*: The area of a horizontal plane fully bound by the exterior walls of the primary building or structure of the floor surface at or above grade level exclusive of vent shafts, decks, garages, uncovered or covered open space.

- (106) *Major livability space*: The total area in a project provided for outdoor recreation, relaxation, amusement, pleasure and for similar use within the project, which area may or may not be improved; however, all livability space countable for purposes of computing the major livability space ratio shall be at least twenty (20) feet away from any ground floor residential wall containing one or more windows and shall have a minimum linear dimension averaging eighty (80) feet, except that an area of lesser dimension is countable if:
- a. The total required major livability space is less than six thousand four hundred (6,400) square feet, or
 - b. The shape or topography of the site alone prevents compliance with the minimum dimensions.
- (107) *Major livability space ratio (MLSR)*: The total major livability space of countable size divided by the aggregate floor area.
- (108) *Manufactured home*: See "Dwelling, manufactured home."
- (109) *Marginal access street*: See "Street, marginal access."
- (110) *Mini-barn*: A freestanding, completely enclosed, accessory building constructed of stone, brick, metal or wood designed with a rural character and intended for the storage of personal property solely of the occupants of the primary use on the lot. (See also "Shed.")
- (111) *Minor emergency repairs*: Those maintenance repairs necessitating immediate solution yet not posing an immediate life safety hazard, nor altering the existing character of the structure (See "Alteration").
- (112) *Mobile dwelling*: See "Dwelling, mobile."
- (113) *Mobile dwelling project*: See "Project, mobile dwelling."
- (114) *Modular home*: See "Dwelling, modular home."
- (115) *Motel*: Any building or group of buildings, containing guest rooms, with at least twenty-five (25) percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building(s), designed or intended to be occupied for sleeping purposes by guests for a fee and where general kitchen and dining room facilities may be provided within the building or an accessory building, and which caters to the travelling public.
- (116) *Mulch*: A protective covering of vegetative substances placed around plants to prevent evaporation of moisture, freezing, and to control weeds.
- (117) *Multifamily dwelling*: See "Dwelling, multifamily."
- (118) *Off-street*: A location completely on private land, and completely off of public rights-of-way, alleys and any interior surface access easement for ingress and egress.
- (119) *Open porch*: An unenclosed structure, open to the sky, supported from the ground and attached to or a part of a building at the area of entrance or exit to said building facilitating access to said building from the ground.
- (120) *Open space*: The total horizontal area of all uncovered open space plus one-half of the total horizontal area of all covered open space.
- (121) *Open space, covered*: All exterior space within the project, which is open and exposed to the weather, but not open above to the sky. It includes porches, carports, covered exterior balconies and exterior spaces covered by portions of buildings.
- (122) *Open space, uncovered*: In D-6, D-6II, D-7, D-8, D-9, D-10 and D-11 districts: the land area, minus the building area, plus the usable roof area. In D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II and D-12 districts; and D-8 single- and two-family dwellings: the lot area, minus the building area.

- (123) *Open space ratio (OSR)*: The open space divided by the floor area.
- (124) *Parking area*: An area of paving other than an open exhibition or display area, not inclusive of interior access drives, driveways, interior access driveways and access drives intended for the temporary storage of automotive vehicles including parking spaces and the area of access for the egress/ingress of automotive vehicles to and from the actual parking space. (See Diagram A [not included herein].)
- (125) *Parking space*: An off-street portion of the parking area, which shall be used only for the temporary placement of an operable vehicle. (See Diagram A [not included herein].)
- (126) *Part-time*: A period of at least twenty-five (25) percent less than a regular or customarily full schedule of a specific activity, such as employment.
- (127) *Partial control of access*: The condition where the right of the owner(s) or occupant(s) of abutting property(ies), or of other persons, to access said property(ies), including the location and connection with public streets, is controlled by public authority. Partial control of access gives preference to through vehicular traffic movement to a degree that, in addition to access connections with selected public streets, there may be crossings at grade and some driveway connections.
- (128) *Patio*: A hard-surfaced area accessory to the primary structure or use of which the horizontal area is at grade level with at least one side open to the weather and essentially unobstructed to the sky. This area is specifically designed and intended for the recreational enjoyment of the occupants and guests of the primary structure or use and not designed or intended for use by automotive vehicles. (See also "Deck.")
- (129) *Patio, covered*: A hard-surfaced area accessory to the primary structure or use of which the horizontal area is at grade level with at least one side open to the weather and permanently roofed or similarly covered. This area is specifically designed and intended for the recreational enjoyment of the occupants and guests of the primary structure or use and not designed or intended for use by automotive vehicles.
- (130) *Paved-stand*: A permanent area specifically designed and intended for the location, securing, and use of a mobile dwelling on a non-temporary basis encompassing completely the area immediately below or covered by such dwelling including necessary plumbing, power, and other utility installations. The mobile dwelling's foundation, consisting of runners, ribbons or piers, usually made of concrete for the purpose of blocking the dwelling, are within this area.
- (131) *Pavement*: A layer of concrete, asphalt or coated macadam used on street, sidewalk, or airport surfacing.
- (132) *Paving*: See "Pavement."
- (133) *Pedestrian ramp*: An inclined access opening along the curbline at which point pedestrians, unassisted or assisted by a wheelchair, walker or similar feature, may enter or leave the street; or, an incline providing pedestrians, unassisted or assisted by a wheelchair, walker or similar feature, access from the ground to an elevated surface.
- (134) *Perimeter yard*: See "Yard, perimeter."
- (135) *Permitted use*: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.
- (136) *Plat*: An officially recorded map, as recorded in the office of the Marion County Recorder, or a map intended to be recorded indicating the subdivision of land including, but not limited to, boundaries and locations of individual properties, streets, and easements.
- (137) *Porch*: A roofed structure with at least one side exposed to the weather, supported from the ground and attached to or part of a building at the area of entrance or exit to said building.
- (138) *Porte-cochere*: A roofed, sheltering structure supported from the ground and attached to or a part of a building, which projects over an entrance/exit, walkway, driveway, or similar feature.
- (139) *Primary building*: The building in which the permitted primary use of the lot is conducted.

- (140) *Principal homestead*: The dwelling unit in which the primary users of the agricultural enterprise reside.
- (141) *Project*: A lot or parcel of contiguous land to be developed for a use or uses permitted in the D-6, D-6II, D-7, D-8, D-9, D-10, D-11 dwelling districts, which at the time of development is under one ownership or control, and subsequently may be subdivided, developed, or conveyed into smaller lots or parcels.
- (142) *Project boundaries*: The perimeter lot lines encompassing the entire project as indicated in the Office of the Marion County Recorder.
- (143) *Project, mobile dwelling*: An area of contiguous land separated only by a street(s) upon which three (3) or more mobile dwellings are designated spaces or lots for the purpose of being occupied as primary residences and includes all real and personal property used in the operation of said mobile dwelling project or, an area of contiguous land separated only by a street, that is subdivided and contains individual lots which are or intended to be sold, leased or similarly contracted for the purpose of being occupied as a primary residence, is a mobile dwelling project if three (3) or more lots or sites are designated specifically to accommodate mobile dwellings.
- (144) *Public street frontage*: See "Frontage, public street."
- (145) *Rear yard*: See "Yard, rear."
- (146) *Recreation facility*: A place, area or structure designed and equipped for the conduct of sport, leisure time activities and other customary and usual recreational activities.
- (147) *Recreation facility, commercial*: A recreation facility operated as a for profit business and open to the public for a fee.
- (148) *Recreation facility, personal*: A recreation facility provided as an accessory use on the same lot as the principal permitted use and designed to be used primarily by the occupants of the principal use and their guests without a fee.
- (149) *Recreation facility, private*: A recreation facility operated by a nonprofit organization, and open only to bona fide members and guests of such nonprofit organization.
- (150) *Recreation facility, public*: A recreation facility operated by a governmental agency and open to the general public.
- (151) *Recreational vehicle*: A self-propelled or towed vehicle designed and intended specifically for temporary living, travel, and leisure activities, including but not limited to boats, motor homes, travel trailers, and camping trailers.
- (152) *Religious use*: A land use and all buildings and structures associated therewith devoted primarily to the purpose of divine worship together with reasonably related accessory uses, which are subordinate to and commonly associated with the primary use, which may include but are not limited to, educational, instructional, social or residential uses.
- (153) *Residential in character*: Possessing the architectural features, traits and qualities indicating or constituting those distinguishing attributes of a residence, such as height, bulk, materials, detailing and similar features.
- (154) *Right-of-way*: Specific and particularly described land, property, or interest therein devoted to and subject to the lawful use, typically as a thoroughfare of passage of pedestrians, vehicles, or utilities, as officially recorded by the Office of the Marion County Recorder.
- (155) *Right-of-way, public*: Specific and particularly described strip of land, property, or interest therein dedicated to and accepted by the municipality to be devoted to and subject to use by the general public for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as officially recorded by the Office of the Marion County Recorder.
- (156) *Right-of-way, private*: Specific and particularly described strip of privately held land devoted to and subject to use for general transportation purposes or conveyance of utilities whether or

not in actual fact improved or actually used for such purposes, as officially recorded by the Office of the Marion County Recorder.

- (157) *Setback*: The minimum horizontal distance established by ordinance between a proposed right-of-way line or a lot line and the setback line. (See Diagram B [not included herein].)
- (158) *Setback line*: A line that establishes the minimum distance a building, structure, or portion thereof, can be located from a lot line or proposed right-of-way line. (See Diagram B [not included herein].)
- (159) *Shed*: A freestanding, completely enclosed, accessory building, designed and intended for the storage of personal property solely of the occupants of the primary use on the lot. (See also "Mini-Barn.")
- (160) *Shrub*: A woody plant of relatively low height branching from the base not exceeding ten (10) to twelve (12) feet in height.
- (161) *Side yard*: See "Yard, side."
- (162) *Sidewalk*: A hard-surfaced walk or raised path along and paralleling the side of the street for pedestrians.
- (163) *Single-family dwelling*: See "Dwelling, single-family."
- (164) *Skirting*: The rigid physical attachments to a mobile dwelling designed and intended to completely screen, shelter, and protect the unit's base and entire area between the unit's floor surface and the ground surface, which includes, but not limited to, all electrical and plumbing conduits, insulation material, and undercarriage.
- (165) *Site plan*: The development plan, drawn to scale, for one or more lots on which is shown the existing and proposed location and conditions of the lot as required by ordinance, in order that an informed decision can be made by the approving authority.
- (166) *Storage area*: An area designated, designed and intended for the purpose of reserving personal property for a future use and distinguished from areas used for the display of property intended to be sold or leased.
- (167) *Storage room*: An enclosed area integrated into and sharing common or party wall or walls within a primary building, while designed and intended for the purpose of reserving personal property for a future use.
- (168) *Story*: That part of a building, with an open height of no less than seventy-eight (78) inches, except a mezzanine, included between the upper surface of one floor and the lower surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall constitute a story only if it provides finished floor area.
- (169) *Street, collector*: A street primarily designed and intended to carry vehicular traffic movement at moderate speeds (e.g., 35 mph) between local streets, collectors, and arterials with direct access to abutting property(ies). (See Diagram D [not included herein].)
- (170) *Street, cul-de-sac*: A street having only one open end and being permanently terminated by a vehicle turn around. (See Diagram D [not included herein].)
- (171) *Street, expressway*: A street so designated by The Official Thoroughfare Plan for Marion County, as amended, primarily designed and intended to carry and channelize high volumes of vehicular traffic movement at relatively high speeds (e.g., 45 mph) with partial control of access. The function of an expressway is primarily to move traffic rather than to serve abutting property(ies). Access control on an expressway is characterized by medians, marginal access streets and selective intersection location.
- (172) *Street, freeway*: A street so designated by The Official Thoroughfare Plan for Marion County, as amended, primarily designed and intended to carry and channelize high volumes of vehicular traffic movement at high speeds (e.g., 55 mph) with full control of access. The primary function of a freeway is the movement of traffic, particularly long trips made within or through the county.

- (173) *Street, local*: A street primarily designed and intended to carry low volumes of vehicular traffic movement at low speeds (e.g., 20 to 30 mph) within the immediate geographic area with direct access to abutting property(ies). (See Diagram D [not included herein].)
- (174) *Street, marginal access*: A local street with control of access auxiliary to and located on the side of an arterial, thoroughfare, expressway, or freeway for service to abutting property(ies). (See Diagram D [not included herein].)
- (175) *Street, parkway*: Any street serving through vehicular traffic and equal to or more than five thousand two hundred eighty (5,280) feet in length, with partial control of access thereto, the adjoining land on one or both sides of which is predominantly dedicated or used for park purposes, and shall conform to the comprehensive plan and thoroughfare plan. Partial control of access to a parkway permits access connections only at street intersections.
- (176) *Street, primary arterial*: A street so designated by The Official Thoroughfare Plan for Marion County, as amended, primarily designed and intended to expedite and channelize high volumes of vehicular traffic movement at moderate speeds (e.g., 35 to 45 mph) between arterials, expressways, and freeways with partial control of access. The function of a primary arterial is primarily to move traffic rather than to serve abutting property(ies).
- (177) *Street, private*: A privately held right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a right-of-way for said purposes. A private street may be comprised of pavement, shoulders, curbs, sidewalks, parking space, and similar features.
- (178) *Street, public*: A publicly dedicated, accepted and maintained right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a public right-of-way for said purposes. A public street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and similar features.
- (179) *Street, secondary arterial*: A street so designated by The Official Thoroughfare Plan for Marion County, as amended, primarily designed and intended to expedite medium to high volumes of vehicular traffic movement at moderate speeds (e.g., 35 to 45 mph) between collectors, arterials, expressways, freeways, and abutting property(ies) with partial control of access. Secondary arterials carry a higher percentage of short trips than do primary arterials.
- (180) *Structural barrier*. A physical structure, such as a fence, wall, or railing, that forms a boundary of, or enclosure to, a property or acts as a division between properties.
- (181) *Structure*: A combination or manipulation of materials to form a construction, erection, alteration or affixation for use, occupancy, or ornamentation, whether located or installed on, above, or below the surface of land or water.
- (182) *Subdivision*: The division of any parcel of land shown as a unit, as part of a unit or as contiguous units, on the last preceding transfer of ownership thereof, into two (2) or more parcels or lots, for the purpose, whether immediate or future, of transfer of ownership or building development, provided however, that the division of land into parcels of more than three (3) acres, not involving any new streets or easements of access, and the transfer or exchange of parcels between adjoining landowners, if such transfer or exchange does not create additional building lots, shall not constitute a subdivision for purposes of this ordinance.
- (183) *Temporary use*: An impermanent land use established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of the time period.
- (184) *Terrace*: An open, raised bank or banks of earth having vertical or sloping side(s) and a horizontal top.
- (185) *Thoroughfare*: A street primarily serving thorough vehicular traffic, including freeways, expressways, primary thoroughfares, and secondary thoroughfares as designated by the thoroughfare plan, ~~adopted as 71-AO-4, as amended.~~

- (186) *Thoroughfare plan*: The applicable segment of the comprehensive or master plan for Marion County, Indiana, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to Chapter 283 of the Acts of the Indiana General Assembly for 1955, and all acts amendatory thereto, which sets forth the location, alignment, dimensions, identification and classification of freeways, expressways, parkways, primary thoroughfares, secondary thoroughfares, or other public ways as a plan for the development, redevelopment, improvement, and extension and revision thereof.
- (187) *Through lot*: See "Lot, through."
- (188) *Total car ratio (TCR)*: The total number of parking spaces divided by the number of dwelling units.
- (189) *Total floor area*: The aggregate floor area of all stories of the primary buildings or structures.
- (190) *Trash enclosure*: An accessory structure enclosed on all sides, possessing a solid, securable door or gate for access designed and intended to completely screen and protect waste receptacles from view on all sides, and to prevent waste debris from dispersal outside the receptacles or enclosure.
- (191) *Tree survey*: An inventory of all trees on a lot or project prior to any site development preparation, identifying species, location, caliper, and drip line of trees.
- (192) *Two-family dwelling*: See "Dwelling, two-family."
- (193) *Uncovered open space*: In D-6, D-6II, D-7, D-8, D-9, D-10, D-11 and D-12 districts: the land area, minus the building area, plus the usable roof area. In D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II, D-8, and D-12 districts: the lot area, minus the building area.
- (194) *Underground storeroom*: An accessory structure which is at least seventy-five (75) percent subterranean, utilized for storage of personal property or a temporary shelter for people, such as a fallout shelter.
- (195) *Unit*: A single, complete entity.
- (196) *Usable roof area*: The total roof area, within the project or residential buildings, garages and accessory buildings which has been improved for outdoor uses of occupants. Roof areas used for the storage of automotive vehicles are included.
- (197) *Vehicle area*: Uncovered or covered area used for vehicular traffic, maneuvering and parking. Included are all parking areas, driveways, interior access drives and rights-of-way of all streets and alleys within the project, plus the area of half of any abutting alley or street rights-of-way.
- (198) *Walkway*: A hard-surfaced walk or raised path for pedestrians.
- (199) *Yard, front*: An open space unobstructed to the sky, extending fully across the lot while situated between the front lot line and a line parallel thereto, which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line. (See Diagram B [not included herein].)
- (200) *Yard, interior*: An open space unobstructed to the sky, extending fully across the mobile dwelling site while situated between the edge of pavement of the street or interior access drive and a line paralleling thereto, which passes through the nearest point of any building or structure and terminates at the intersection of the individual mobile dwelling site's boundary lines.
- (201) *Yard, perimeter*: A required yard of a project, in addition to front, rear and side-yards, situated between and extending along the project boundary and an interior line paralleling thereto. The width of said yard shall be determined by the applicable zoning district zoning classification of the ordinance. (See Diagram E [not included herein].)
- (201) *Yard, rear*: An open space unobstructed to the sky extending fully across the lot situated between the rear lot line and a parallel thereto which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line. (See Diagram B [not included herein].)

- (202) *Yard, side*: An open space unobstructed to the sky extending the length of the lot situated between a side lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the point of contact with any rear or front yards or any lot line, whichever occurs first. (See Diagram B [not included herein].)

SECTION 6. Section 731-200 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 731-200. General dwelling district regulations.

The following regulations shall apply to all land within the dwelling districts.

- (a) After the effective date of this ordinance:
- (1) With the exception of legally established nonconforming uses, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this ordinance. Signs, however, are regulated by ~~the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended Chapter 734 of this Code.~~
- (2) A lot may be divided into two (2) or more lots, provided that all resulting lots and all buildings thereon shall comply with all of the applicable provisions of the Dwelling Districts Zoning Ordinance of Marion County. If such a lot, however, is occupied by a nonconforming building, such lot may be subdivided provided such subdivision does not create a new noncompliance or increase the degree of noncompliance of such building.
- (3) No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this ordinance with the exception of signs, which are regulated by ~~the Sign Regulations of Marion County, 71-AO-4, as amended Chapter 734 of this Code.~~ and of the following provisions:
- a. *Restoration of legally established nonconforming uses, structures, buildings.* Legally established nonconforming uses and structures or buildings may be restored to their original dimensions and conditions if damaged or partially destroyed by fire or other disaster provided the damage or destruction does not exceed two-thirds of the gross floor area of the building, structure or facilities affected; except, however, all land within any flood control district shall, also, be subject to the requirements of Section 735-300 through Section 735-310 of this Code. ~~be bound by the forty (40) percent limitation of section 2.00.B.2 of the Flood Control Districts Zoning Ordinance of Marion County, Indiana (71-AO-3, as amended)).~~
- b. *Discontinuation of nonconformity.* The lawful nonconforming use or occupancy of any lot, in a dwelling district, existing at the time of the effective date of this ordinance, may be continued as a nonconforming use, but if such nonconforming use is discontinued for one year, any future use or occupancy of said land shall be in conformity with the provisions of this ordinance.
- c. *Legally established nonconforming uses; public schools.* Any legally established nonconforming use public elementary, middle, junior high or high school (including any structures, facilities and parking areas accessory thereto) may be converted, enlarged, extended, reconstructed or relocated for such public school use on the same lot or parcel as it existed on August 8, 1966, provided such school building, structure, facilities and parking area shall conform to the minimum yard and setback requirements of the applicable dwelling district.
- d. *Yard Setback Exceptions:*
1. *Established front setback exception/averaging.* In any block in which an existing front yard depth and setback is established (by existing legally established buildings within a Dwelling District) for more than twenty-five (25) percent of the linear frontage of the block (or a distance of two hundred (200) linear feet in either direction, whichever is the lesser), the minimum required front yard depth and setback for any new building or structure shall be the average of such established front yards if such dimension is less than the minimum required minimum front setback established by this ordinance.

2. *Expansion along an existing, legally established nonconforming front setback line.* The minimum required front setback in any Dwelling District for any existing building, having a legally established front setback which is less than the required setback of the District, shall be modified to permit expansion of such building along its existing established front setback, provided that:
 - i. Only a one-time expansion along the legally established nonconforming front setback line shall be permitted; and
 - ii. The linear front footage of expansion does not exceed fifty (50) percent of the linear front footage of the original building, and all other requirements of this ordinance are maintained for the expansion. Provided: For both 1. and 2. above, however, in no case shall a building or structure:
 1. Encroach upon any proposed right-of-way, as determined by the Official Thoroughfare Plan of Marion County, Indiana;
 2. Encroach upon any existing right-of-way; or
 3. Encroach into a clear sight triangular areas, as required in section 731-221(c)(1).
- (3)3. *Side and Rear Yard Setback Exceptions.* The minimum side and rear yard setback requirements of the D-S, D-1, D-2, D-3, D-4, D-5, D-5II, and D-8 (for a lot containing a single or a two-family dwelling unit) Districts shall be subject to the following:
 - i. *Primary Buildings:* The primary building may be enlarged or extended along a legally established nonconforming side yard between the established front setback line and the established rear setback line of the primary building provided that the linear footage of such enlargement or extension: a. does not exceed fifty (50) percent of the linear footage of the primary building along that side setback line, or b. be a one-time only expansion along the legally established setback line.
 - ii. *Detached accessory buildings.*
 1. Legally established, detached, accessory garages may be reconstructed on an existing foundation, even though such reconstruction would not comply with required side or rear yards.
 2. An accessory building may be enlarged or extended along a legally established nonconforming side or rear yard provided that the linear footage of such enlargement or extension: a. does not exceed fifty (50) percent of the linear footage of the accessory building along that side or rear setback line; b. be a one-time only expansion along the legally established setback line; and, c. such enlargement or extension shall not encroach into any required yard other than the existing nonconforming side or rear yard along which the enlargement or extension is occurring.
- e. *Lot area, lot width exception.* Any lot recorded or any platted lot recorded prior to the adoption of this ordinance, having less than the minimum lot area or minimum lot width required by the applicable dwelling district regulations of this ordinance for a single-family dwelling, shall be deemed an exception to such minimum lot area and lot width requirement, and a single-family dwelling may be constructed thereon provided all other requirements of this ordinance, including minimum yard and setback requirements, shall be maintained.
- f. *Reserved.*
- g. *D-6 and D-6II district single-family exception.* In the D-6 and D-6II districts, a single- or two-family dwelling, including accessory structures, may be constructed, erected, enlarged, extended, or reconstructed on any platted lot recorded prior to the adoption of this ordinance which was specifically platted for single-family dwelling purposes. Such

development shall be in accordance with the approved plat, any restrictions thereof, and any commitments resulting from the rezoning of such lot.

- (4) *The front setback and minimum front yard requirements of all dwelling zoning districts shall be subject to the following exception for all land within the Town of Meridian Hills, Indiana:* The required front setback and minimum yard requirements applicable to all land within the Town of Meridian Hills, Indiana, however presently zoned, shall be not less than the standards of the class R-1, R-2, and R-3 area districts, respectively, previously applicable thereto as said land was formerly zoned, in accordance with the Meridian Hills Zone Map and section 12 of the Zoning Ordinance of the Town of Meridian Hills, Indiana, General Ordinance No. 1, 1946, prior to the effective date of the comprehensive Dwelling Districts Zoning Ordinance of Marion County, Indiana, Ordinance 66-AO-2, which rezoned and reclassified said land. (Said Zoning Ordinance of the Town of Meridian Hills, Indiana, section 12 and Meridian Hills Zone Map, adopted by the Marion County Council March 28, 1957, as a part of Marion County Council Ordinance No. 8-1957, are hereby incorporated herein by reference).
- (5) *Secondary means of escape.* Any secondary means of escape which includes, but is not limited to, fire escapes or similar emergency accesses, shall be located on the rear or side facades of the building or structure. In the case of a building or structure located on a corner lot, the secondary means of escape shall not be located on the facade of any building or structure which has frontage along a public or private street.
- (6) *Side yard setback; zero lot line option.* The minimum side yard setback requirements of the D-S, D-1, D-2, D-3, D-4, D-5, and D-5II zoning districts shall be subject to the following exceptions: Any plat of a subdivision submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce the minimum side yard requirement for one side yard of each lot to zero (0) feet provided that:
- A minimum distance of ten (10) feet shall be required and maintained between all buildings on adjacent lots; and,
 - No windows or doors shall be provided or maintained on that portion of the structure which reduces the required side yard by use of this exception; and,
 - The aggregate side yard(s) is provided on the lot according to the applicable dwelling district regulations; and,
 - An easement, providing for the continual maintenance of that portion of the structure which reduces the required side yard by use of this exception, is provided, recorded and maintained.
- (7) *Exceptions to dwelling district development standards for the development of cluster subdivisions.* In any plat of a subdivision recorded after January 1, 1990, in the D-S, D-1, D-2, D-3 and D-4 zoning districts the following exceptions shall apply. Any subdivision, the plat of which is submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, may be developed as a cluster subdivision in accordance with the following:
- Purpose.* Cluster subdivisions are intended to allow greater flexibility in design and development of subdivisions, in order to produce innovative residential environments, provide for more efficient use of land, protect topographical features, and permit common area and open space. To accomplish this purpose, the following regulations and exceptions shall apply only to cluster subdivisions.
 - Exceptions to dwelling district development standards.* Exceptions to the development standards relating to the subdivision's lot size, shape and dimensions may be permitted for individual lots within a cluster subdivision, as follows:
 - Project area (minimum size of subdivision).* There shall be a minimum of five (5) acres required for the development of a cluster subdivision. The tract of land to be developed shall be in one ownership or shall be the subject of an application filed by the owners of the entire tract. The tract shall be developed as a unit and in the manner approved.

2. *Project density.* The overall maximum density of the proposed cluster subdivision shall remain the same as that permitted by developing the same site area into developable lots in full compliance with the applicable underlying dwelling district regulations and the Subdivision Control Ordinance of Marion County, Indiana.
3. *Sewers.* Attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in any cluster subdivision with a minimum lot area of less than twenty-four thousand (24,000) square feet.
4. *Area, width, setback, and open space for individual lots.* Individual lots in a cluster subdivision are exempt from the following development standards of the applicable dwelling district:
 - i. Minimum lot area.
 - ii. Minimum lot width.
 - iii. Minimum lot width at setback.
 - iv. Minimum side and rear yard setback regulations. Minimum side and rear yard setback regulations may be modified by the following:

Setback from any subdivision boundary property lines: Twenty (20) feet.

The minimum rear yard setback: Fifteen (15) feet.

The minimum side yard setback shall have a minimum depth in accordance with section 731-200(a)(6), Side yard setback; zero lot line option, with the exception that provision 200 (a)(6)c shall not apply when utilizing the cluster subdivision exception.
 - v. The minimum street frontage. Minimum street frontage may be reduced to fifteen (15) feet provided, however, that each individual lot shall have direct access to a public street, and,
 - vi. Minimum open space. Individual cluster lots shall have a minimum open space of fifty (50) percent.
5. *Project open space.* The amount of permanent open space created by the development of the site as a cluster subdivision shall be equivalent to, or more than, the total reduction in lot sizes. At least seventy-five (75) percent of the total amount of open space shall consist of tracts of land at least fifty (50) feet wide. The open space created by the development of the site as a cluster subdivision shall be provided in such a manner that it is preserved in its naturally occurring state for passive recreational activities. A subordinate amount of this open space may be developed as a common recreational area. The open space created by the development of the site as a cluster subdivision shall further be provided in such a manner that it is accessible to residents of the subdivision and for maintenance. The open space shall perpetually run with the subdivision and shall not be developed or separated from the cluster subdivision at a later date. Provisions shall be made for continuous and adequate maintenance at a reasonable and nondiscriminatory rate of charge.

c. Procedures for cluster subdivision approval.

1. The petitioner shall submit two (2) site plans for the property proposed for a cluster subdivision for review and conceptual design approval by the Administrator prior to filing for plat approval.
 - i. Site plan 1 shall depict the development of the site in full compliance with all use and development standards of the applicable underlying dwelling district and the Subdivision Control Ordinance of Marion County, Indiana. This site plan will be used to determine the maximum number of developable lots possible on the site and set the density of that development.

- ii. Site plan 2 shall depict the development of the site as a proposed cluster subdivision. The density of the overall development shall be no greater than that permitted by the development of the site depicted in site plan 1.
 2. The Administrator shall compare the proposed cluster subdivision with the site plan showing the same site developed in compliance with the applicable dwelling district and determine the appropriateness of cluster design for the site.
 3. In determining the appropriateness of cluster design for the site, the Administrator shall look for the following attributes:
 - i. Protection of unique topographical features on the site, including but not limited to slopes, streams, natural water features.
 - ii. Protection and preservation of wooded areas, individual trees of significant size, wetlands, or other environmentally sensitive features.
 - iii. Development of common open space and recreational areas accessible to residents of the subdivision including provisions for walkways and bikeways.
 - iv. Providing a more efficient use of the land.
 - v. Producing innovative residential environments.
 - vi. Minimizing the alteration of the natural site features to be preserved through the design and situation of individual lots, streets, and buildings.
 - vii. Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between development and the land.
 - viii. Relationship to surrounding properties, improvement of the view from and of buildings, and minimizing of the land area devoted to motor vehicle access shall be encouraged through the arrangement and situation of individual lots, buildings, and units.
 4. The Administrator shall further review the proposed cluster subdivision to ensure that the proposed cluster development will be constructed, arranged, and operated so as not to interfere with the development and use of neighboring property, in accordance with the applicable district regulations, to include any necessary transition along the perimeter of the development with adjacent single-family zoning districts.
 5. If upon review, the Administrator, based upon the attributes noted above, determines that the proposed cluster subdivision is not appropriate for the site, the Administrator shall inform the petitioner in writing of the determination. The petitioner may, within five (5) business days, appeal the Administrator's decision by filing an approval petition before the Metropolitan Development Commission.
 6. If upon review the Administrator, based upon the attributes noted above, determines that the proposed cluster subdivision is appropriate for the site, the Administrator shall: 1. inform the petitioner in writing of the determination; and, 2. send a copy of that letter to the applicable registered neighborhood organizations. The petitioner may then proceed with the filing of a preliminary plat before the Plat Committee. The filed plat shall be in substantial compliance with the proposed plat approved by the Administrator. The legal notice for the public hearing of the Plat Committee regarding such a preliminary plat shall indicate clearly that the request is for a cluster subdivision.
- d. *Maintenance of common open space areas.* As a condition of Administrator's approval of the cluster subdivision permitting exceptions to the standard requirements of the applicable zoning district, the petitioner shall submit with the site plan for review and approval documentary assurances that permanent dedication of the open space areas shall be made and that adequate provision(s) is being made for continuous and adequate maintenance of project open space, common areas and recreation areas. Once approved by the Administrator, the documentary assurances shall be filed with the Plat Committee

at the time a petition for plat approval is initiated. Further, the documentary assurances shall be incorporated in the plat that is recorded with the Office of the Marion County Recorder. No exceptions to these requirements shall be permitted unless the Plat Committee determines that the petitioner has adequately provided for such upkeep, protection and maintenance of open space, common area or recreational areas through other legally binding perpetual agreements.

(8) *Requirement for Group Homes for the Mentally Ill.* In any Dwelling District, a group home (as defined in section 731-102) for the mentally ill shall be excluded from a residential area if the group home is located within three thousand (3,000) feet of another group home for the mentally ill, as measured between lot lines.

(9) *Legal establishment of nonconforming uses that were not legally initiated prior to April 8, 1969.*

a. A nonconforming use in a district of the Dwelling District Zoning Ordinance (as adopted by the Metropolitan Development Commission under docket number 66-AO-2) shall be deemed to be legally established (relative to both use and development standards) if the use:

1. Existed prior to April 8, 1969; and
2. Has continued to exist from April 8, 1969, to the present; and
3. Has not been abandoned; and
4. Of the entire building has not been vacant voluntarily for any period of three hundred sixty-five (365) consecutive days.

A certificate stating the use and development of a property are legally established under this section shall be available from the Administrator on the presentation of sufficient evidence. The Rules of Procedure of the Metropolitan Development Commission shall outline the procedure to be followed in order to obtain an official certificate.

b. Any construction, erection, conversion (including, but not limited to the addition of dwelling units), enlargement, extension, reconstruction or relocation occurring after April 8, 1969, have been done in conformity with these regulations and have been done for uses permitted by this ordinance. Any such future activity shall not be permitted except in conformity with these regulations and for uses permitted by this ordinance.

c. This subsection 731-200(a)(9) shall:

1. Have no effect upon the powers of the Consolidated City of Indianapolis, Marion County, or any unit or agency thereof, or the Health and Hospital Corporation of Marion County, Indiana, to enforce other public health and safety laws and ordinances affecting real property, including those contained in IC 34-1-52-1 through 34-1-52-4 (Codification of Common Law Nuisance).
2. Not relieve any property of the legal obligation to comply with conditions or commitments which lawfully apply to the property made in connection with any variance, rezoning, platting, or other zoning decision.
3. Not apply to a property if written records of the:
 - i. Health and Hospital Corporation of Marion County;
 - ii. Fire department having jurisdiction over the property;
 - iii. Local law enforcement agency or agencies having jurisdiction over the property; or
 - iv. Indiana Department of Environmental Management or Department of Natural Resources;

for the twenty-four-month period prior to October 1, 1996, reflect that there has been a significant violation of laws pertaining to public health or safety or ordinances affecting real property, including those contained in IC 34-1-52-1 through 34-1-52-4 (Codification of Common Law Nuisance) for activities occurring on the property or the condition of the property.

d. *Definition of significant violation.* For purposes of this provision, a violation is defined to be significant as:

1. Any outstanding violation or three (3) or more separate citations from any of the health and safety agencies referred to in subsection 731-200(a)(9)c.3. of this ordinance; or
2. Any citation or violation of Sections 302, 304, 310, 311, 313, and 701, as amended, of Chapter 10 of the Code of the Health and Hospital Corporation of Marion County, Indiana (Housing and Environmental Standards Ordinance); or
3. One (1) or more convictions of a tenant, owner, or lessee for criminal activities occurring on the property.

(b) All uses established or placed into operation after August 2, 1966, shall comply with the following performance standards. No use in existence as of the effective date of this ordinance shall be so altered or modified as to conflict with these standards.

- (1) *Vibration.* No use shall cause earth vibrations or concussions detectable beyond the lot lines without the aid of instruments.
- (2) *Smoke.* No use shall emit smoke of a density equal to or greater than no. 2 according to the Ringelmann Scale, as now published and used by the U. S. Bureau of Mines, which scale is on file in the office of the Division of Development Services, and is hereby incorporated by reference and made a part hereof.
- (3) *Dust.* No use shall cause dust, dirt or fly ash of any kind to escape beyond the lot lines in a manner detrimental to or endangering the public health, safety or welfare or causing injury to property.
- (4) *Noxious matter.* No use shall discharge across the lot lines noxious, toxic or corrosive matter, fumes or gases in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
- (5) *Odor.* No use shall emit across the lot lines odor in such quantity as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
- (6) *Sound.* No use shall produce sound in such a manner as to endanger the public health, safety or welfare or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat, frequency, shrillness or vibration.
- (7) *Heat and glare.* No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.
- (8) *Waste.* No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana; the Indiana State Board of Health; and the Stream Pollution Control Board of the State of Indiana, or in such a manner as to endanger the public health, safety or welfare; or cause injury to property.

SECTION 7. Section 731-215 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 731-215. D-11 dwelling district eleven regulations.

Statement of purpose. The D-11 district allows for mobile dwelling project development. The special characteristics of mobile dwellings, as opposed to the characteristics of conventional housing (such as compactness of the mobile dwelling unit, site accommodation requirements, etc.), have been recognized as requiring special district considerations. The D-11 district is designed to permit mobile and manufactured dwellings in accordance with appropriate standards. This district represents a medium density classification according to the Comprehensive General Land Use Plan and should be applied accordingly. The typical density for a D-11 district is six (6) units/gross acre. With the development standards included in this district, mobile dwelling projects are viable residential developments, and should be located with the same considerations as site-built residential neighborhoods. All public and community facilities are required. Proximity to major thoroughfares are necessary for the location of this district.

(a) *Permitted D-11 uses.* The following uses shall be permitted in the D-11 district. All uses in the D-11 district shall conform to the D-11 development standards (section 731-215(b)) and the dwelling district regulations of section 731-200.

- (1) Mobile dwelling projects, including mobile dwellings and manufactured homes, subject to all development standards of section 731-215(b). Each permitted mobile dwelling within a mobile dwelling project shall be limited to single-family use and occupancy.
- (2) Group homes, as defined in section 731-102 and as regulated in section 731-200(a)(8).
- (3) Religious use, as regulated in section 731-224.
- (4) Temporary uses, as regulated in section 731-218.
- (5) Accessory uses, as enumerated below:
 - a. Manager's office and apartment; project maintenance equipment storage facility.
 - b. Common recreation and service buildings, structures and areas, including laundry facilities.
 - c. Open storage area.
 - d. Accessory parking areas.
 - e. Carports, canopies, covered patios, storage rooms, mini-barns, porches, awnings, swings and other play structures or equipment, provided the height thereof shall not exceed ten (10) feet measured from the finished mobile dwelling site grade, and that floors of carports, patios, storage rooms and porches shall be of concrete or other permanent pavement.
 - f. Wholesale and retail sales of mobile dwellings conducted as a business by dealers of mobile dwelling project owners/operators shall be prohibited in the D-11 district. Except, however, a mobile dwelling project owner/operator may display not more than six (6) "model" mobile dwellings on mobile dwelling sites in the interior of the project, provided such model units shall not be displayed for sale or removal outside the project; and further provided that no signs relative to the "model" units shall be installed so as to be visible to the public outside the project.
 - g. An incidental model home sign, as regulated in ~~the sign regulations of Marion County, Indiana (71-AO-4, as amended)~~ Chapter 734 of this Code, shall be permitted for each "model" mobile dwelling. Provided further, however, nothing contained herein shall restrict the right of any individual owner of any mobile dwelling unit to sell or lease such unit.
 - h. Child care home.
- (b) *D-11 development standards.*
 - (1) *Project area.* A minimum contiguous project area of fifteen (15) acres with the first phase not less than five (5) acres shall be required. Each contiguous project area shall not exceed one

hundred (100) acres. Provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district after January 1, 1990.

- (2) *Maximum project density:* Six (6) units per gross project acre.
- (3) *Combination of lots or portions thereof.* Whenever only a portion of a recorded lot is proposed as a mobile dwelling project or whenever two (2) or more recorded lots or portions thereof are proposed to be combined to form a mobile dwelling project, the proposed mobile dwelling project as shown on the site plan submitted shall be considered to be a newly created single lot, for the purposes of section 731-215(b)(1) of this ordinance, and such newly created lot shall not be reduced in size or divided or split if such reduction, division, or split will result in a lot which would fail to meet any of the requirements of this section.
- (4) *Minimum project frontage.* Each project shall have at least one hundred fifty (150) feet of continuous frontage on a public street and shall gain direct access from said street. Each project containing over thirty (30) dwelling units shall provide at least two (2) accesses from a perimeter public street.
- (5) *Perimeter yard.*
 - a. A perimeter yard is required for each mobile dwelling project. All parking, buildings, structures, and mobile dwelling sites shall be located so as to provide a setback of at least fifty (50) feet from all perimeter lot lines. This fifty-foot perimeter yard shall be landscaped and shall not be used for anything other than passive open space or a required roadway entrance into the mobile home park. Perimeter yards must be landscaped, screened and maintained according to section 731-221(f), provided, however;
 - b. Where the project abuts public perimeter streets, minimum perimeter front yards shall be sixty (60) feet, measured from the street right-of-way line of a local or collector street, or from the proposed right-of-way line of any primary or secondary arterial as indicated by The Official Thoroughfare Plan for Marion County, as amended.
- (6) *Mobile dwelling sites.*
 - a. Mobile dwelling sites within the project shall be provided for each mobile dwelling in accordance with the following standards:
 1. Each mobile dwelling project shall be divided into mobile dwelling sites.
 2. Each mobile dwelling site shall contain an area of no less than four thousand (4,000) square feet, provided, however;
 3. Each mobile dwelling site, which requires a double or triple wide unit, shall contain an area of no less than five thousand four hundred (5,400) square feet.
- (7) *Minimum interior yards.* Minimum interior yards within the project shall be provided for all mobile dwelling sites in accordance with the following standards:
 - a. A minimum required front building setback of ten (10) feet shall be provided, measured from the curb line of any interior street or interior access drive within the project. Parking spaces shall not be permitted within this required setback; however, driveways accessing parking areas on the site and other appurtenances are permitted.
 - b. A minimum distance of fifty (50) feet shall be provided between any recreational or other project common building and any dwelling unit within the project.
 - c. A minimum distance of twenty-five (25) feet shall be provided between dwelling units at their closest points to each other. Except, however, that any dwelling unit accessory structure, open on at least two (2) sides, may project into such required interior yard provided that the distance between such accessory structure and any other dwelling unit, or between such accessory structures of two (2) dwelling units, shall be at least fifteen (15) feet.
- (8) *Minimum recreational and open space areas.* Developed recreational and common open space areas equal to, at a minimum, eight (8) percent of the total area of the mobile dwelling project shall be required. Land used for the required perimeter yard, mobile dwelling sites, vehicular

areas, access easements, and rights-of-way shall not be considered as part of this required eight (8) percent open space. Common open storage areas developed as required in section 731-215(b)(10) shall not be included in the open space computation.

- a. These recreational and common open space areas shall be accessible to all project residents, appropriately located within the project with respect to the residents they are designed to serve and with regard to adjacent land uses. Accessibility to such areas shall not solely be gained by way of a mobile dwelling site or sites.
- b. Developed recreational areas may include, but shall not be limited to, such facilities as playgrounds, tot lots, swimming pools, game courts and common recreational buildings. An imaginative approach to the provision and design of such areas is encouraged. Project recreational needs will depend upon such factors as project site, size and the anticipated age characteristics of the residents. These areas shall provide for the use of all project residents and be appropriately located within the project with respect to the residents they are designed to serve and with regard to adjacent land uses.
- c. Common open space areas are those areas within the project set aside for the common use of all project residents. The general design of these areas should demonstrate an awareness of their intended use for passive enjoyment. Utilization of common open space areas may be enhanced by improvements such as walkways, meandering trails, benches, flowers, shrubs and tree plantings, while still maintaining their natural open character.
- d. Items such as drainage swales may be included as open space if, through proper design, they add favorably to the open space inventory and site development of the project and do not present a health or safety hazard to project residents.
- e. Off-street pedestrian ways and/or bike paths shall be constructed where necessary to provide safe access to recreational and other service areas. Such off-street pathways shall have a minimum width of three (3) feet and shall have at least a three (3) foot wide area of open space along the sides of the pathway. All such off-street pathways shall be hard-surfaced.

(9) *Minimum parking area.*

- a. A minimum of two (2) hard-surfaced off-street parking spaces shall be required for each dwelling unit and shall be located on each mobile dwelling site.
- b. One parking space for each two hundred eighty-five (285) square feet or fraction thereof of gross floor area shall be required for the manager's office (not including storage space), and any common recreation structures located within the mobile dwelling project.
- c. Off-street parking areas shall not be permitted in any required interior front yard setback.
- d. Off-street parking facilities shall be provided and maintained in accordance with section 731-221(e)(2)b.

(10) *Storage areas.*

- a. Open storage area: an open storage area shall be provided within the project boundaries for the purpose of storing travel trailers, campers, boats and other recreational vehicles owned by project residents. The open storage area required for the project shall be computed on the basis of one hundred twenty (120) square feet of space per mobile dwelling site. Such open storage areas shall be screened so as not to be directly visible from any perimeter boundary of the project and shall further be accessible to all project residents.

Travel trailers, campers, boats and other recreational vehicles shall be permitted to be stored only in such storage areas, whether temporarily or permanently.

- b. General storage space: in order to provide adequate storage facilities on or conveniently near each mobile dwelling site for the storage of outdoor equipment, furniture, tools, and other materials used only seasonally or infrequently, or incapable of convenient storage within the mobile dwellings, a minimum of one hundred fifty (150) cubic feet of general storage space within a structure per dwelling unit shall be provided on the mobile dwelling site, or in compounds located not more than one hundred (100) feet from each

dwelling unit. Each such storage space shall be constructed and located in conformity with the approved site plan required by section 731-215(b)(16). Provided, however, all or a portion of such storage space for any fully skirted mobile dwelling unit may be provided under such unit, in lieu of separate storage facilities.

(11) *Patios and paved stands.* All mobile dwelling sites shall be improved as follows:

- a. Each mobile dwelling site shall contain a patio or deck with an area of no less than two hundred (200) square feet. Such patio or deck shall be constructed of concrete, brick, tile, treated wood or similar material, so as to result in a dustfree and well-drained surface.
- b. Concrete runners, concrete pillars or a paved stand shall be provided to accommodate each mobile dwelling.
- c. An anchoring system (tiedowns) shall be provided, installed and attached to the dwelling upon its placement on the mobile dwelling site to withstand the specified horizontal, uplift, overturning wind forces on a mobile dwelling based upon accepted engineering design standards as required by Regulation HSE 21 of the Indiana State Board of Health.

(12) *Skirting.* No later than thirty (30) days after a mobile dwelling has been placed upon a mobile dwelling site, the area between the bottom of the sides and ends of the mobile dwelling and the surface upon which it is located shall be enclosed by walls made of a visibly opaque skirting material. Mobile dwellings shall have skirting or other design attachments installed by the mobile dwelling owner which shall harmonize with the architectural style of the mobile dwelling. Access doors shall be permitted under the mobile dwelling.

(13) *Utilities.*

- a. All utility lines, including but not limited to electric, telephone, water, gas, and cable television lines, shall comply with Underground Utility Line Regulations Ordinance 72-AO-5, as may be amended.
- b. Individual radio and television antennas, not exceeding four (4) feet in height, shall be permitted; or a central system utilizing underground wiring to individual dwelling units and accessory buildings may be installed.

(14) *Maximum height.*

- a. All mobile dwellings, accessory structures and buildings: twenty-five (25) feet.
- b. All management offices, common recreation and service buildings: thirty-five (35) feet, with the exception of skylights, appurtenances, chimneys or similar structures.

(15) *Streets and sidewalks.*

- a. Public streets, interior access drives, driveways, and off-street parking areas shall be provided in accordance with section 731-221, Special regulations.
- b. Private interior streets, interior access drives and driveways shall be constructed with curbs and gutters and shall otherwise be provided in accordance with section 731-221, Special regulations.

Provided, however, that private interior streets, private interior access drives and private interior access driveways which have two-way traffic with no parking shall have a minimum pavement width of twenty-four (24) feet, exclusive of curbs or gutters.

- c. Sidewalks shall be installed within each mobile dwelling project in accordance with the following:
 1. Sidewalks are required to be installed on one side of a street with an improved width of twenty (20) feet or less and on both sides of a roadway with an improved width of greater than twenty (20) feet.
 2. All sidewalks shall be hard-surfaced and shall have a thickness of no less than four (4) inches.

3. Common sidewalks, with a minimum width of three (3) feet, intended to provide pedestrian circulation from one mobile dwelling to another or to various locations throughout the mobile dwelling project shall serve all mobile dwellings and common use areas that front upon or have access from a street improved with curbs and gutters. Such sidewalks shall be located parallel to a street.
 4. A hard-surfaced walkway having a minimum width of three (3) feet connecting the mobile dwelling with its off-street parking area shall be provided.
 5. In addition to those sidewalks required by this section 731-215(b)(15), sidewalks may be placed so that they bisect a block of mobile dwelling sites in order to provide an interior type of common sidewalk circulation system. Such sidewalks shall not be located on any mobile dwelling site. Such sidewalks shall have a minimum width of three (3) feet and shall have at least a three (3) foot wide area of open space along the sides of the sidewalk. This sidewalk and open space area may be figured into the required minimum recreational and open space area.
 6. A sidewalk with a minimum width of three (3) feet may be provided for access from each mobile dwelling to a street or to a common walkway system.
 7. No portion of any parking space shall encroach upon any portion of a sidewalk.
- (16) *Project and site plan requirements.* In order that a petition for a D-11 district can be evaluated, the petitioner shall file with the petition a project orientation map, topographic map and site plan (as specified in paragraphs a., b., and c. which follow).

In addition to other permit requirements, a landscape plan (as specified in section 731-221, Special regulations) shall be filed with the Division of Development Services of the Department of Metropolitan Development and approved by the Administrator thereof prior to the issuance of an Improvement Location Permit.

- a. The orientation map shall include a legal description and delineate the boundaries of the project site; and shall show the location of all the features listed below existing within one mile of the project site.

Public schools

Thoroughfares

Railroads

Fire protection services

Public transportation

Major shopping areas

Public recreational facilities

Other important features which may affect the planned project

- b. The topographic map shall be drawn to scale, current dated, prepared and signed by a registered land surveyor or civil engineer and shall clearly show the following:

Contours having an interval of two (2) feet,

All existing buildings and other structures or improvements such as walls, fence-lines, culverts, bridges, roadways, etc., with spot elevations indicated,

Location and spot elevations of rock outcrops, high points, watercourses, depressions, ponds and marsh areas, with any previous flood elevations as may be determined by survey,

Boundaries of any floodway or floodplain zones or areas subject to periodic inundation,

Size, variety, caliper and accurate location of all existing trees over two and one-half (2 1/2) inch caliper; except within natural vegetation areas (woods, thickets or meadows) that will not be developed, but will be left and maintained as natural areas,

Boundary lines of property and corner monuments,

Soil types; careful attention must be given in the location and construction of mobile dwelling projects to the ability of the soil to support the development,

Location of any test pits or borings if required to determine subsoil conditions,

All easements, rights-of-way and other restrictions.

c. The site plan, drawn to scale, shall indicate:

Existing and proposed streets, access drives, driveways, interior access drives, sidewalks and pedestrian ways,

All paving and hard-surfacing materials,

Ingress to and egress from the project site to/from perimeter public streets,

Minimum required yards,

Location of all parking, recreational and storage areas,

Individual mobile dwelling sites,

Location of mobile dwelling paved stands,

Mobile dwelling project facilities such as office, laundry, storage and recreation structures,

Location, height and type of screens, walls and fences,

All adjacent properties':

1. Lot lines;
2. Existing land use and zoning classification; and,
3. Approximate location of all existing structures within one hundred (100) feet of the project's property lines;

A legend which shall include a listing of the overall acreage; the scale of the plan; gross and net density of lots, spaces or units; percentage and area of open spaces by types, number of spaces, building area of project buildings or structures; parking spaces required and provided, and estimated total population profile.

(17) *Existing nonconforming projects.*

a. Conformity with certain standards required. All nonconforming mobile dwelling projects on the effective date of this ordinance:

1. Shall conform to the development standards and requirements of section 731-221(f)(5) (Special regulations--grounds maintenance), section 731-215(b)(11)c (patios and paved stands), and section 731-215(b)(12) (skirting) of this ordinance on or before January 1, 1993, or the use thereof shall be terminated after such date; and,
2. Shall conform to the development standards and requirements of section 731-221(f) subsections 1 through 4 (special regulations--screening, landscaping, lighting) of this ordinance on or before January 1, 1993, or the use thereof shall be terminated after such date.

b. Plan approval. A plan for each such nonconforming project shall be filed with the Division of ~~Development Services~~ Planning of the Department of Metropolitan Development and approved by the Administrator thereof in accordance with the

following schedule. Within ninety (90) days after the effective date of this ordinance, a plan shall be filed setting forth a legal perimeter description. The number of mobile dwelling sites, location of streets, light poles, and the existing nature of perimeter landscaping or visual screening shall be indicated. Within three (3) years after the effective date of this ordinance, a plan for compliance or a statement of existing compliance shall be filed setting forth the proposed or existing manner of compliance with section 731-215(b)(17)a of this ordinance. The project's required development in conformity with provisions of this ordinance specified in paragraph a. above shall be in accordance with such approved plan.

As a part of such plan approval, the Administrator of the Division of ~~Development Services~~ Planning shall have power to modify any screening or landscape requirements deemed by the Administrator to be unnecessary, infeasible or unreasonably burdensome.

- c. Appeals. In all subsections of this section where the Administrator is given the authority of discretionary approval of plans and specifications, or the method or manner of qualification, or any other similar authority, any party of interest shall have the right to bring such action by the Administrator before the Metropolitan Development Commission for its review and approval or disapproval through the filing of an Approval Petition. The right to have such action of the Administrator reviewed by the Metropolitan Development Commission shall be in addition to any other right an aggrieved party may have under law to have such action reviewed, including but not limited to the right to appeal such action to the Metropolitan Board of Zoning Appeals of Marion County, Indiana.

SECTION 8. Section 731-221 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 731-221. Special regulations.

(a) *Minimum setback lines and yards.* Front yards, having a minimum depth in accordance with the following setback requirements, shall be provided along all public street right-of-way lines, and the minimum required building setback lines shall be as follows:

- (1) Expressway, parkway or primary thoroughfare (as designated on The Official Thoroughfare Plan of Marion County, Indiana). No part of any structure (except an open porch or eave or cornice overhang not exceeding two (2) feet) shall be built closer than forty (40) feet to any proposed right-of-way line of an expressway, parkway or primary thoroughfare. In the case where a proposed right-of-way line does not exist, the existing right-of-way line shall be used for the setback measurement.
- (2) Secondary thoroughfare (as designated on The Official Thoroughfare Plan of Marion County, Indiana). No part of any structure (except an open porch or eave or cornice overhang not exceeding two (2) feet) shall be built closer than thirty (30) feet to any proposed right-of-way line of a secondary thoroughfare. In the case where a proposed right-of-way line does not exist, the existing right-of-way line shall be used for the setback measurement.
- (3) Collector street. No part of any structure (except an open porch or eave or cornice overhang not exceeding two (2) feet) shall be built closer than thirty (30) feet to any existing right-of-way line, or sixty (60) feet from the centerline, of a collector street, whichever is greater.
- (4) Local street, marginal access street or cul-de-sac.
 - a. No part of any structure (except an open porch or eave or cornice overhang not exceeding two (2) feet) shall be built closer than twenty-five (25) feet to any existing right-of-way line of a local street, marginal access street or cul-de-sac, with the exception of the vehicular turnaround thereof. No part of any structure (except an open porch or eave or cornice overhang not exceeding two (2) feet) shall be built closer than twenty (20) feet to any existing right-of-way line of the vehicular turnaround of a cul-de-sac.

(b) *Attached multifamily dwelling projects, single-family cluster dwelling projects and mobile dwelling projects; site plan requirement to Improvement Location Permit issuance.* Prior to Improvement Location Permit issuance for any building or structure within an attached multifamily dwelling project, single-family cluster dwelling project, or mobile dwelling project, three (3) copies of the site and landscape plans for the entire project shall be filed with the Department of Metropolitan Development.

Also, for an attached multifamily dwelling project, the site and landscape plans shall include a delineation of the proposed major livability space.

(c) *Street requirements.*

- (1) *Clear sight triangular area.* The following provisions shall apply to all streets, interior access drives or interior access driveways, whether public or private: All landscape plantings, structural barriers, shrubs, trees, structures or other objects, temporary or permanent, shall permit completely unobstructed vision within a clear sight triangular area between the heights of two and one-half (2 1/2) and nine (9) feet above the crown of the streets, drives, or driveways. A clear sight triangular area shall be established as one of the following (See section 731-102, diagram F [not included herein]):

- a. On a corner lot, the clear sight triangular area is formed by the street right-of-way lines, the pavement edge of the drives or driveways and the line connecting points twenty-five (25) feet from the intersection of such street right-of-way lines and pavement edge lines; or in the case of a round or cut property corner, from the intersection of the street right-of-way lines and pavement edge lines extended; or,
- b. On a lot adjacent to an at-grade railroad crossing, the clear sight triangular area is formed by the lot line coterminous with the railroad right-of-way, the street right-of-way line or pavement edge line, and the line connecting points twenty-five (25) feet from the intersection of such lines; and,
- c. On a lot which has a driveway, abuts an alley or which is next to a lot which has a driveway, the two (2) clear sight triangular areas are formed by the street right-of-way line, both sides of either the alley right-of-way or of the surface edge of the driveway, and the line connecting points ten (10) feet from the intersection of the street right-of-way and driveway or alley lines extended.

(2) *Requirements for public streets.*

- a. All public streets shall be dedicated to the public and improved and constructed in accordance with the standards set forth in the Subdivision Control Ordinance of Marion County, Indiana, and General Ordinance No. 49, 1972, including the Indianapolis Department of ~~Transportation~~ Public Works Standards for Street and Bridge Design and Construction.
- b. The right-of-way of all streets within the project, which are indicated on The Official Thoroughfare Plan for Marion County, Indiana, or which have been required by zoning, variance, or platting commitment, condition, covenant or parole covenant, to be constructed to specific standards based upon their proposed functional classification shall be dedicated to the public, or the right-of-way thereof shall be reserved for the future.

(3) *Requirements for all private streets, interior access driveways, and interior access drives for attached multifamily dwelling projects, mobile dwelling projects and planned unit residential developments.*

- a. All private streets, interior access driveways and interior access drives for attached multifamily projects, mobile dwelling projects and planned unit residential developments shall meet the minimum standards for construction, materials for use in construction, and design as specified by the "Standard Specifications," Indiana Department of Transportation (8-17-1-39), the Indiana Department of Transportation Supplemental Specifications, and the Indianapolis ~~Department of Transportation (DOT)~~ department of public works (DPW) Standards for Street and Bridge Design and Construction. In the event ~~DOT~~ DPW specifications conflict with the Indiana Department of Transportation "Standard Specifications," the most stringent specifications shall govern.

The "Standard Specifications" of the Indiana Department of Transportation is incorporated into this ordinance by reference. Two (2) copies of the "Standard Specifications" are on file and available for public inspection in the office of the Division of Development Services.

Provided, however, that the standard specifications incorporated into this ordinance shall be modified as follows:

1. Curbing shall not be required in the development of private streets, private access driveways and private interior access drives for attached multifamily projects.
2. Private interior streets, private interior access drives and private interior access driveways for attached multifamily projects, mobile dwelling projects and planned unit residential developments shall have a minimum width, including gutters, and, if required, curbing, of:

One-way, no parking: Twelve (12) feet.

One-way, parking on one (1) side of the street only: Twenty (20) feet.

Two-way, no parking: Twenty (20) feet.

Two-way, parking on one (1) side only: Twenty-seven (27) feet.

Two-way, parking on both sides of the street: Thirty-six (36) feet.

- b. Private streets, private interior access drives and private interior access driveways shall be privately maintained (not by governmental agencies) in good condition and free of chuckholes, standing water, weeds, dirt, trash and debris.
- c. The owner or project management, homeowners' association or other similar organization shall maintain all sidewalks, pedestrian ways, private streets, interior access drives, interior access driveways and parking areas in good repair and reasonably free of chuckholes, standing water, mud, ice and snow.

(d) *Reserved.*

(e) *Off-street parking requirements.* Off-street parking facilities shall be provided and maintained, for all uses permitted in the dwelling districts, in accordance with the following regulations:

(1) Number of spaces required.

- a. For every single-family dwelling or two-family dwelling in the D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II, D-8, and D-12 dwelling districts, there shall be provided at least two (2) off-street parking spaces for each unit which may include the parking space(s) provided in a garage or carport.
- b. For every attached multifamily dwelling in the D-6, D-6II, D-7, D-8, D-9 and D-10 dwelling districts, off-street parking spaces shall be provided in accordance with the development amenities of each district.
- c. For every mobile dwelling in the D-11 dwelling district, a minimum of two (2) paved off-street parking spaces shall be provided.

(2) Development requirements.

- a. Parking areas for uses in 1, a. above need not be paved.
- b. Parking areas for uses in 1, b. above shall be subject to the following requirements:
 1. Off-street parking areas (including, but not limited to, entrances, exits, aisles, spaces, traffic circulation and maneuverability) shall be designed and constructed at not less than the recommended specifications contained in "Architectural Graphic Standards," Current Edition, Ramsey and Sleeper, John Wiley and Sons, Inc., New York, New York (a copy of which is on file in the offices of the Division of ~~Development Services~~ Planning and is hereby incorporated by reference and made a part hereof); except that each parking space shall have, regardless of angle of parking, a usable parking space measuring not less than eight and one-half (8 1/2) feet in width (measured perpendicularly from the sides of the parking space) and at least one hundred fifty (150) square feet of usable parking area.
 2. The parking area shall not be used for permanent storage or the display, advertisement, sale, repair, dismantling or wrecking of any vehicle, equipment or materials.

3. Parking areas shall be paved with bricks, concrete or improved with a compacted aggregate base and surfaced with an asphaltic pavement, to adequately provide a durable and dustfree surface. Parking areas shall be maintained in good condition and free of chuckholes, weeds, dirt, trash and debris.
4. The surface shall be graded and drained in such a manner that there will be no free flow of water onto sidewalks.
5. The parking area shall have each space delineated by painted lines and shall be provided with curbs, bumper guards or wheel stops so located that no part of the parked vehicles will extend beyond the boundary of the established parking area.

(f) *Screening, landscaping, lighting and grounds maintenance.* Screening, landscaping, lighting and grounds maintenance shall be provided and maintained, for all attached multifamily dwelling projects and all mobile dwelling projects, in accordance with the required landscape plans and with the following regulations:

(1) Screening:

- a. Front yard of the project: An ornamental, decorative fence or masonry wall, not more than forty-two (42) inches in height if solid, or six (6) feet if the sight barrier is less than fifty (50) percent, may be used in conjunction with the required landscaping. Chain link fencing is not permitted. A clear sight triangular area shall also be maintained as regulated in section 731-219(b)(2)c of this ordinance.
- b. Side and rear yard of the project: An ornamental, decorative fence or masonry wall may be used in conjunction with the required landscaping. Chainlink fencing is permitted provided it is black vinyl covered chainlink and does not include slats. A clear sight triangular area shall also be maintained as regulated in section 731-219(b)(2)c of this ordinance.

Provided, however, if any portion of a mobile dwelling project or a multifamily project abuts land zoned so as to permit single-family or two-family dwellings, the perimeter yard between the project and the district shall be screened and landscaped for the purpose of buffering. In addition to the landscape requirements of section 731-221(f)(2), screening shall be provided and maintained according to the following minimum requirements:

1. Screening shall include any combination of an earthen mound; a solid hedge; a wall or fence of ornamental block, stone, brick, or solid wood fencing; and,
 2. Effective screening height shall be at least six (6) feet, as measured from the parking area's grade level, and so constructed to prohibit any view therethrough; and,
 3. If fencing is used for screening, such fencing shall be completely opaque when viewed within fifteen (15) degrees of perpendicular to the fence; and,
 4. If an earthen mound is used for screening, such earthen mound shall not exceed a maximum height of four (4) feet above grade and the incline shall not exceed a three (3) to one ratio, with the exception of previously existing natural outcroppings.
- c. Trash containers. All trash containers exceeding six (6) cubic feet shall:
1. Be completely screened within a solid walled or fenced stall equipped with a self-latching solid gate and buffered by landscaping; and,
 2. Be accessible only from an interior access drive of the project; and,
 3. Not be located in any required perimeter yard.

(2) Landscaping:

- a. All required perimeter yards shall be landscaped. The landscaping of these yards shall, at a minimum, consist of a combination of living vegetation, such as trees, shrubs, grasses or ground cover materials, planted or transplanted and maintained, or preserved as existing natural vegetation areas (e.g., woods or thickets). Loose stone, rock or gravel

may be used as a landscaping accent, but shall be limited to only twenty (20) percent of the area of the required yard in which it is used.

- b. Within the perimeter yards, there shall be at least one tree planted or maintained for every thirty (30) feet of total linear distance along all perimeter yard property lines. Required trees may be grouped together in the perimeter yard, however, in no case shall spacing between said trees exceed sixty (60) feet on center. (Refer to Diagram E [not included herein].)
- c. All parking areas adjacent to required perimeter yards shall be screened along the perimeter yard with a solid hedge. Screening may include the combination of said solid hedge and earthen mound, provided the effective screening height shall be at least thirty-six (36) inches above the parking area's grade level at the time of planting and the maximum incline of the earthen mound shall not exceed a three (3) to one ratio with the exception of previously existing, naturally occurring outcroppings.
- d. Within mobile dwelling projects, at a minimum, one tree shall be planted or maintained on every mobile dwelling site. Said required tree shall not be located within any required yard or common recreational area(s).
- e. Required trees shall be deciduous or evergreen with a spreading branch habit. A group of shrubs may be substituted for a required tree, provided however:
 - 1. That the proposed tree to be substituted is not an existing tree, and
 - 2. That no more than twenty (20) percent of the required trees are substituted with shrubs, and
 - 3. That the shrubs are planted or maintained five (5) feet or less on center, and
 - 4. The shrubs substituted are in addition to any underplanting requirements, and
 - 5. That a grouping of five (5) shrubs may be substituted for one tree.
- f. The minimum size of all required landscape plant materials, at the time of planting, including substituting or replacement trees and shrubs, shall be as follows:
 - 1. Deciduous shade (overstory) trees: Two and one-half (2 1/2) inch caliper at six (6) inches above the ground.
 - 2. Deciduous ornamental (understory) trees: One and one-half (1 1/2) inch caliper at six (6) inches above the ground.
 - 3. Multistemmed trees: Eight (8) feet in height.
 - 4. Evergreen trees: Five (5) feet in height.
 - 5. Deciduous shrubs: Twenty-four (24) inch spread or two (2) feet in height.
 - 6. Evergreen shrubs: Twenty-four (24) inch spread or two (2) feet in height.
- g. Deciduous and evergreen shrubs when used for required hedges shall be planted an average of thirty-six (36) inches or less on center within the hedge row.
- h. All trees and shrubs shall be planted, maintained or transplanted in accordance with the standards of the American Association of Nurserymen (a copy of which is on file in the Office of the Division of ~~Development Services~~ Planning and is hereby incorporated by reference and made a part hereof). All trees and shrubs shall be mulched and maintained to give a clean and weedfree appearance.
- i. Prior to any construction activity, the removal from any minimum, required yard of any existing deciduous tree over three (3) inch caliper at six (6) inches above ground or of any existing shrub or evergreen tree over six (6) feet in height, must first be approved in writing by the Administrator. Removal of said tree(s) without written approval from the Administrator, shall require the replanting of replacement tree(s) so that the total number of caliper inches replanted equals or exceeds the total number of calipers removed.

Replacement trees shall be of the same species as those trees removed unless approved otherwise by the Administrator. Replanting of these replacement trees shall occur within six (6) months of removal or the next planting season, whichever occurs first. Replacement trees shall not be considered a required tree for the figuring of the minimum number of trees required in any perimeter yard but rather as an additional tree.

- j. All existing trees larger than ten-inch caliper at six (6) inches above the ground which are to be preserved shall be maintained without injury and with sufficient area for the root system to sustain the tree. Protective care and physical restraint barriers, such as temporary protective fencing, shall be provided to prevent alteration, compaction or increased depth of the soil in the root system area prior to and during groundwork and construction. Heavy equipment traffic and storage of construction equipment or materials of any kind shall not be any closer to the tree than the drip line of the tree or ten (10) feet whichever is closer.
 - k. Prior to the issuance of an Improvement Location Permit, the Administrator may require a tree survey for a specified time to be completed for a site or portion of a site. Such survey shall become a part of the file and requirements for an Improvement Location Permit. In the case of large, dense tree stands (those exceeding six hundred (600) square feet in area with seventy-five (75) percent branch coverage of the ground surface), the outer boundary of the tree stands' drip line and location with a listing of the predominant species and caliper size may be substituted for a detailed inventory.
 - l. The Administrator, upon written request by the applicant and upon receiving a suitable alternative landscape plan, shall have the power to modify any landscape requirements deemed by the Administrator to be infeasible or unreasonably burdensome. Such modification shall be written and become a part of the file and requirements for the Improvement Location Permit.
- (3) Landscape plan: A landscape plan shall:
- a. Be drawn on a copy of the site plan (or a simplified scale drawing thereof) showing exact location, outlines and dimensions of all structures, buildings, mobile dwelling sites, mobile dwelling paved stands, patios, sidewalks and pedestrian ways, streets, trash enclosures, project access and interior access drives and driveways, individual and project storage, permanent lighting fixtures, signs, benches, screens, walls, fences, natural vegetation areas, open space, recreational areas, perimeter yards, adjacent property uses and physical features, and all underground and overhead lines with depths or heights indicated at intervals where lines change direction or where terminals or connections are provided; and,
 - b. Show dimensioned detailed elevation or section drawings of any trash enclosures, walls, fences, and signs (including sign content); and,
 - c. Show all existing elevations and proposed land contour lines having at two-foot intervals; and,
 - d. Show location and nature of existing and proposed drainage systems and their flow; and,
 - e. Include a tree survey indicating the exact location of existing trees of over two and one-half (2 1/2) inch caliper one foot above the ground and all flowering trees, shrubs and evergreens; all being accurately labeled in the drawing as existing (to remain), existing to be removed or to be transplanted with species and caliper size indicated. Exception: those trees and shrubs located in natural vegetation areas (e.g., woods, thickets or meadows) that will not be developed, but will be left and maintained as a natural untouched area may be indicated by the delineation of the area's outer boundary; and,
 - f. Show all proposed plantings and transplantings with plants and plant groups labeled in the drawing as to quality, species, shape, size, spacing (on centers), and purpose (visual or noise abatement screen, hedge, specimen or ground cover).

(4) Lighting:

- a. All access drives, interior streets, interior access drives, intersections, dead ends, cul-de-sacs, apices of curves, parking areas, open storage areas, walks and passive and active

recreation areas shall be provided with lighting devices to adequately illuminate the areas.

- b. Street or pedestrian lighting devices may be mounted at heights beginning at (or slightly below) ground level to forty-two (42) inches above ground or from ten (10) to thirty (30) feet above ground. Spacing of all lighting devices shall be determined by the height above street grade level and maximum footcandles of each device in conjunction with their capacity to provide an adequate lighting level for the required area and use.
 - c. Lighting levels for all outdoor areas shall meet the recommended minimum average maintained horizontal footcandle as specified in the "Illuminating Engineering Society Lighting Handbook," Application Volume, current edition (a copy of which is on file in the Office of the Division of ~~Development Services~~ Planning and is hereby incorporated by reference and made a part hereof).
 - d. All lighting facilities used to illuminate outdoor areas shall be so located, shielded and directed upon the area to be lighted that they do not glare onto, or interfere with, street traffic, adjacent buildings, or adjacent uses.
 - e. Lighting devices for active recreational areas and uses shall be equipped with switching devices which allow lighting levels to be changed when the active recreational use ceases and a lower lighting level is sufficient.
- (5) *Grounds maintenance:* The project owner or management, homeowners' association or other similar organization shall:
- a. Maintain the entire site in a safe, neat and clean condition; free from litter, trash, debris, junk, and reasonably free of weeds; and,
 - b. Maintain all sidewalks, pedestrian ways, interior streets, interior access drives, and parking areas in good repair and reasonably free of chuckholes, standing water, mud, ice and snow; and,
 - c. Maintain the landscaping by keeping lawns mowed, all plants properly pruned and maintained as diseasefree, and planting beds groomed, except in naturally occurring vegetation areas, such as thickets; and,
 - d. Replace any required planting(s), which are removed or no longer living, within a year or the first planting season, whichever occurs first, except those in naturally occurring vegetation areas, such as thickets.

(g) *Appeal.* In all subsections of this section 731-221, Special regulations, where the Administrator is given authority of discretionary approval of plans and specifications, or the method or manner of qualification, or any other similar authority, any party of interest shall have the right to bring such action by the Administrator before the Metropolitan Development Commission for its review and approval or disapproval through the filing of an approval petition for a detailed plan approval. The right to have such action of the Administrator reviewed by the Metropolitan Development Commission shall be in addition to any other right an aggrieved party may have under law to have such action reviewed, including, but not limited to, the right to appeal such action to the Metropolitan Board of Zoning Appeals of Marion County, Indiana.

(h) *Application of this section.* This section shall be applicable to all dwelling districts except when specified otherwise in the Dwelling District Zoning Ordinance or in the D-P planned unit residential development district where subsections (a) and (e) shall not be applicable.

SECTION 9. Sections 731-322 and 731-323 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 731-322. Requirements for improvements, reservations, and design; general subdivision standards.

(a) *Streets.* All proposed plats submitted for Committee approval under the provisions of these regulations shall allocate adequate areas for streets in conformity with the Comprehensive Plan and Official Thoroughfare Plan for Marion County, Indiana, and shall designate and label all such streets

thereon in accordance with the following definitions, specifications and requirements regarding platting width, right-of-way, and control of access.

(1) *Street classification and minimum street rights-of-way.*

- a. *Expressway.* Any street designated and labelled as an "expressway" shall be a divided arterial street designed, planned and intended for through vehicular traffic in conformance with the Comprehensive Plan and Thoroughfare Plan for Marion County, Indiana, with full or partial control of access thereto. The minimum right-of-way required for an expressway shall be as designated by the Official Thoroughfare Plan for Marion County, Indiana. Control of access shall be as determined by the DCAM Department of Public Works or the Indiana Department of Transportation, based upon the jurisdiction of the subject facility.
- b. *Parkway.* Any street designated and labelled as a "parkway" shall be a street serving through vehicular traffic, with partial control of access provided. Adjoining land on one (1) or both sides of such a street shall be predominately dedicated or used for park purposes, and shall conform to the Comprehensive Plan for Marion County. Control of access shall be as determined by the DCAM Department of Public Works.
- c. *Primary thoroughfare.* Any street designated and labelled as a "primary thoroughfare" shall be designed, planned and intended to serve through vehicular traffic within Marion County or surrounding areas, in conformance with the Comprehensive Plan and Official Thoroughfare Plan for Marion County, Indiana. As a general rule, primary thoroughfares shall be located at approximately one (1) mile intervals in the north-south or east-west grid pattern. The minimum right-of-way required for a primary thoroughfare shall be as designated by the Official Thoroughfare Plan for Marion County, Indiana. Partial control of access to a primary thoroughfare shall be exercised so as to permit access to each lot abutting thereon as provided in section 731-322(a)(2)d. of this article.
- d. *Secondary thoroughfare.* Any street designated and labelled as a "secondary thoroughfare" shall be designed, planned and intended to serve as a collector and distributor of through vehicular traffic from sections of land within Marion County, in conformance with the Comprehensive Plan and Official Thoroughfare Plan for Marion County, Indiana. The minimum right-of-way required for a secondary thoroughfare shall be as designated by the Official Thoroughfare Plan for Marion County, Indiana. Partial control of access to a secondary thoroughfare shall be exercised so as to permit access to each lot abutting thereon as provided in section 731-322(a)(2)d. of this article.
- e. *Collector street.* Any street designated and labelled as a "collector street" shall be designed, planned and intended to serve as a collector and distributor of vehicular traffic, carrying such traffic to and from expressways, parkways, primary thoroughfares, secondary thoroughfares, and local streets. Collector street shall include but not be limited to entrance streets of residential subdivisions.
- f. *Local street.* Any street designated and labelled as a "local street" shall be designed, planned and intended primarily to provide access to lots abutting thereon.
- g. *Cul-de-sac.* Any local street designated and labelled as a "cul-de-sac" shall be designed, planned and intended as such, having only one (1) end open to vehicular traffic from an expressway, parkway, primary thoroughfare, secondary thoroughfare, collector street or local street and with the closed end permanently terminated by a vehicle turnaround.

The minimum right-of-way required for a parkway, collector street, local street, or a cul-de-sac shall be per the Standards for Street and Bridge Design and Construction (Standards for Acceptance of Streets and Bridges; G.O. No. 49, 1972 of the City-County Council of Indianapolis and Marion County, Indiana).

(2) *Standards.*

- a. *Streets.* Streets which are extensions or continuation of, or obviously in alignment with, any existing streets, either constructed or appearing on any validly recorded plat or survey, or valid plat previously approved by the Commission, shall bear the names of such existing streets.

b. *Alleys.*

1. In areas designated as Development Area One in the Thoroughfare Plan for Marion County, Indiana, public alleys may be utilized for infill development, and where the use of such alleys would be compatible with the development pattern of the area surrounding the proposed plat.
 2. Private alleys may be utilized for any proposed plat, provided they are constructed to local street pavement thickness and geometric design as noted in accordance with the Standards for Street and Bridge Design and Construction (Standards for Acceptance of Streets and Bridges; G.O. 49, 1972 of the City-County Council of Indianapolis and Marion County, Indiana) and Chapter 691 of this Code, both documents incorporated into these regulations by reference and made a part hereof.
- c. *Access to areas abutting thoroughfares.* If the area proposed to be platted abuts upon or contains an existing or proposed thoroughfare, the street plan shall provide vehicular access to each lot abutting upon such thoroughfare by one (1) of the following means:
1. The subdivision of lots which back up to the thoroughfare and front onto an interior parallel local or collector street; no access shall be provided from the thoroughfare, and screening shall be provided in a strip of land along the rear property line of such lots.
 2. A series of culs-de-sac, U-shaped streets, or short loops entered from and designed generally at right angles to an interior parallel street, with the rear lines of their terminal lots backing onto the thoroughfare (see Diagram A).
 3. A marginal access street (the rights-of-way between the marginal access street and the thoroughfare separated from one another by a permanent strip of land of at least fifteen (15) feet in width, outside of, and separate from, the rights-of-way of either street).
- d. *Dead-ended streets.* Permanently dead-ended streets (except for cul-de-sac streets as defined in these regulations) are prohibited. A temporarily dead-ended street is permitted in any case in which a street is proposed to be and should logically be extended beyond the limits of such plat, but is not yet constructed beyond such plat limits. The right-of-way of a temporarily dead-ended street shall extend to the property line of the plat. An adequate easement for a turnaround shall be provided for any such temporarily dead-ended street which extends two hundred fifty (250) feet in length or greater, with a temporary hammer head ("T"); or an ell ("L") shaped turnaround provided. A notation on the plat shall state that land outside the normal street right-of-way shall revert to abutting property owners when the street is continued.

(b) *Lots.*

- (1) *Lot arrangement.* The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography, soil or water conditions, or other conditions, in securing building permits to build on all lots in compliance with the zoning ordinance and health and hospital regulations, and in providing driveway access to buildings on the lots from an approved street. The design, character, grade, location, and orientation of all lots so allocated shall be appropriate for the uses proposed, and logically related to existing and proposed topography. Every lot shall have sufficient and adequate access to a street constructed, or to be constructed, in accordance with the provisions, standards, and specifications of this article.
- (2) *Lot dimensions.* Lot dimensions shall comply with the minimum standards of the applicable zoning district, or per zoning commitment, variance grant, cluster plat approval, or approval grant by the applicable public land use policy making body. In general:
 - a. Side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan.
 - b. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum required front yard setback from both streets, as regulated in the applicable zoning ordinance, or per zoning commitment, condition of a variance grant, or approval grant by the applicable public land use policy making body, pertaining to that site.

- (3) *Lot orientation.* The lot line common to the street right-of-way shall be the front lot line. All lots shall face the front line. Whenever feasible, lots shall be arranged so that the rear lot line does not abut the side lot line of an adjacent lot.
- (4) *Lots frontage and access.*
- a. *Double frontage lots.* Double frontage, or through, lots shall be avoided except where necessary (as noted in section 731-322(a)) to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.
 - b. *Triple frontage lots.* Triple frontage lots (those lots which have frontage on three (3) streets) are prohibited except at the entrances to a subdivision from an abutting street identified in the Thoroughfare Plan for Marion County, Indiana, as an expressway, freeway, primary arterial or secondary arterial.
 - c. *Access from primary and secondary arterials.* Lots shall not, in general, derive access exclusively from a primary or secondary thoroughfare, as noted in the Thoroughfare Plan for Marion County, Indiana. Where driveway access from a primary or secondary arterial thoroughfare may be necessary to several adjoining lots, the Committee may require that such lots be served by a combined access drive or frontage road in order to limit possible traffic hazards on the street. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on primary or secondary arterial thoroughfares.
- (5) *Common area.* Whenever common area for a subdivision perimeter abuts a secondary or primary arterial street, as designated in the Official Thoroughfare Plan for Marion County, Indiana, such common area shall be a minimum of twenty (20) feet in width along and paralleling the length that it abuts the thoroughfare. Common areas within a subdivision shall be accessible to all its residents. Access shall be provided so that no common area is "land locked" by private lots, requiring subdivision residents to trespass across such lots in order to enter the common area.
- (6) *Lot drainage.* Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots. Each lot owner shall maintain the lot grade as it relates to storm water drainage, in compliance with the approved construction plans.
- (7) *Debris and waste.* No junk, rubbish, or other waste materials of any kind, whether natural (by example: cut trees or timber, debris, rocks) or construction-related (by example: concrete, building materials), shall be buried in any land at any time, nor shall these materials be left or deposited on any lot or street at the time of the release of the maintenance bond. No items and materials as described in the preceding sentence shall be left or deposited in any area of the subdivision at the time of dedication of public improvements.
- (8) *Waterbodies and watercourses.* No more than twenty-five (25) percent of the minimum lot area required under the applicable zoning ordinance may be satisfied by land that is under water. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installation of a culvert or other appropriate structure. Such culvert shall be of a design approved by the ~~Department of Capital Asset Management~~ Division of Compliance of the Department of Metropolitan Development.
- (c) *Building setback lines.* Minimum building setback lines shall be regulated by the setback provisions of the zoning ordinance applicable to the area proposed to be platted. Setbacks in excess may be platted at the subdivider's discretion, however, such excessive platted setbacks shall not be enforced by the Commission unless such setbacks were required as a part of a commitment, condition, approval, or site plan tied to a land use petition by the applicable public land use policy making body pertaining to the subject site.
- (d) *Easements.*

(1) *Drainage.*

- a. *General requirements.* When a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse. Such easements shall be of such width and construction as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with vegetative banks and adequate width for maximum potential volume of flow.
- b. *Drainage easements.* If any stream or necessary surface watercourse is located in the area to be platted, adequate areas for easements along the sides of such stream or watercourse shall be allocated for the purpose of widening, sloping, improving or protecting the stream or surface watercourse. Such easements shall be a minimum width of fifteen (15) feet.

(2) *Utility.*

- a. *Location.* All utility facilities, including but not limited to gas, electric power, telephone, and cable television cables, shall be located underground throughout the subdivision (per Chapter 730, Article IV of this Code). Whenever existing utility facilities are located aboveground, except when located on public streets and rights-of-way, they shall be removed and placed underground. All utility facilities existing and proposed throughout the subdivision shall be shown on the primary plat. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the Commission, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.
- b. *Utility easements.* As a general principle, such easements shall be located along both sides of rear lot lines and the total width of such combined lot easements shall be a minimum of ten (10) feet, unless an alternative size is required by the applicable utility or city agency. Note: All easements shall be indicated on the plat.

(e) *Public sites.* All plats submitted for Committee approval under the provisions of these regulations may allocate adequate areas for park, school, recreational and other public and semi-public sites, wherever necessary in conformity with the comprehensive plan and as required by the Commission. The location, shape, extent and orientation of such areas shall be consistent with existing and proposed topographical and other conditions, including, but not limited to, the park, school, recreational and other public and semi-public needs of the proposed subdivision. Such areas shall be made available by one (1) of the following methods:

- (1) Dedication to public use.
- (2) Reservation for the use of owners of land contained in the plat, by deed restriction or covenants which specify how and under what circumstances the area or areas shall be developed and maintained.
- (3) Reservation for acquisition by a governmental unit or agency within a period of nine (9) months, such area to be released for private use:
 - a. In the event that no governmental unit or agency proceeds with such acquisition within nine (9) months of the date of the recording of said plat; or
 - b. If released by such governmental unit or agency prior to the expiration of the nine-month period; and

the secondary plat indicates the nature and extent of the private use into which such area may be placed if such area is not used by a governmental unit as specified.

- (4) Dedication to use by a bona fide nonprofit organization for recreational, athletic or other community uses by those the organization serves.

Sec. 731-323. Improvements and installations.

Subsections (a) through (j) of this section shall be required for all subdivisions.

- (a) *Streets; minimum standards for street design and construction.*
- (1) *Public streets.* All streets which are to be dedicated to, and accepted for maintenance by, the applicable municipality shall be graded, constructed and surfaced in accordance with the Standards for Street and Bridge Design and Construction (Standards for Acceptance of Streets and Bridges; G.O. 49, 1972 of the City-County Council of Indianapolis and Marion County, Indiana) and Chapter 691 of this Code, both documents incorporated into these regulations by reference and made a part hereof.
- (2) *Private streets minimum standards for street design and construction.* Any residential development which, through zoning commitment, variance grant, or grant of an approval petition, is allowed the use of private streets (streets which are not be dedicated to or accepted for maintenance by the applicable municipality) shall comply with the minimum standards set forth in Chapter 731, Articles I and II of this Code relative to the design and construction of private streets, incorporated into these regulations by reference and made a part hereof.
- (b) *Monuments.* The petitioner shall place permanent reference monuments in the subdivision by a registered Indiana land surveyor as required in these regulations.
- (1) *Location of permanent monuments.* Where no existing permanent monuments are found, such monuments shall be installed: Prior to submission of secondary plat for approval:
- a. All quarter section corners on the boundaries of or within the area to be platted;
 - b. At all angle points on exterior boundary lines of the parent tract that coincide or control the location of any liens of the proposed plat; and
 - c. At the beginning and end of all curves and points of tangency of the perimeter of such plat;
- Subsequent to plat recordation and after development:
- d. At the intersections of all street center lines within such plat;
 - e. At both ends of all curves on the center lines of all streets within such plat;
- In all instances noted above, the monuments shall be placed not more than six hundred (600) feet apart in any straight line.
- (2) *Standards for permanent monuments.* Standards for permanent monuments shall be as follows: A five-eighths-inch or larger diameter metal rod having a metal cap on top showing either the responsible land surveyor's registration number or the Indiana Firm ID No. (865 IAC 1-12-18) and having:
- a. For street center line demarcation: a length equal to the thickness of the pavement.
 - b. For other required monument locations: a length of thirty-six (36) inches.
 - c. Each monument shall:
 - 1. Be installed so the cross mark shall coincide with the point being marked.
 - 2. Be set flush with the finished grade.
 - 3. Be detectable by a magnetic locator.
 - 4. Be installed in such a manner that they will not be dislodged or removed by frost heave.
- (3) *Recordings.*
- a. The retracement survey of the parent tract (required by 865 IAC 1-12-19) containing the proposed subdivision, or of that part of such tract controlling the location thereof, shall be executed and recorded in the office of the Marion County Recorder before the secondary plat is submitted to the Commission for approval.

- b. All required monuments that are installed subsequent to plat recordation shall be set by a registered Indiana surveyor in compliance with these regulations, the recorded subdivision plat, and the monumentation shown on the previously recorded retracement survey (of the tract containing such plat). The location and detailed description of and reference ties to such subsequent monuments shall be shown on a copy of the recorded plat. Such copy shall be newly certified regarding such monuments by the surveyor, recorded in the office of the Marion County Recorder, and cross-referenced to the original plat. The new certificate regarding these monuments set after plat recordation shall read as follows:

"I, the undersigned Indiana Land Surveyor, hereby certify that the new survey monuments shown on this copy of the previously recorded plat herein were set by me subsequent to the recordation of said plat in accordance with Chapter 731, Article III of the Code Marion County, Indiana.

Dated: _____

Signed (name): _____

PLS Registration No. _____

Seal"

(c) *Street signs.* All street signs shall be designed and built to the Standards for Street and Bridge Design and Construction (Standards for Acceptance of Streets and Bridges; G.O. 49, 1972 of the City-County Council of Indianapolis and Marion County, Indiana) and Chapter 691 of this Code.

(d) *Culverts.* All culverts shall be designed and constructed in compliance with the Stormwater Design and Construction Specification Manual, City of Indianapolis, Department of ~~Capital Asset Management~~ Public Works and Chapter 561 of this Code.

(e) *Sidewalks.* All sidewalks shall be designed and constructed in accordance with the Standards for Street and Bridge Design and Construction (G.O. 49, 1972/Standards for Acceptance of Streets and Bridges of the City-County Council of Indianapolis and Marion County, Indiana) and Chapter 691 of this Code. Sidewalks shall be provided along all streets internal to the subdivision, as well as any existing or proposed perimeter streets which border the subdivision.

(f) *Flood control.* Any development shall comply with all provisions of Chapter 735, Article III of this Code.

(g) *Storm drainage.* All stormwater drainage facilities are to be designed and constructed to the Stormwater Design and Construction Specification Manual, City of Indianapolis, Department of ~~Capital Asset Management~~ Public Works and Chapter 561 of this Code.

(h) *Water supply system.* All public and semi-public water supply systems shall be designed and constructed to the standards of the applicable water utility serving the site. In the case where private wells are permitted by the applicable zoning district, or through a variance grant or grant of an approval petition, such systems shall be designed and constructed to the standards of the Health and Hospital Corporation of Marion County, Indiana, and the Indiana State Board of Health.

(i) *Sewage disposal system.* All sewage disposal systems are to be designed and constructed to The Indianapolis Sanitary District Standards for the Design and Construction of Sanitary Sewers, City of Indianapolis, Department of Public Works and Chapter 671 of this Code. In the instance where septic systems are permitted by the applicable zoning ordinance, or through a variance grant, or grant of an approval petition, such systems shall be: 1) reviewed and approved by; and 2) designed and constructed to the standards of, the Health and Hospital Corporation of Marion County, Indiana (Chapter 14), and the Indiana State Board of Health.

(j) *Street lighting.* Reserved.

SECTION 10. Section 731-332 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 731-332. Construction of language and definitions.

(a) *Construction of language.* The language of this article shall be interpreted in accordance with the following regulations:

- (1) The particular shall control the general.
- (2) In the case of any difference of meaning or implication between the text of this article and any illustration or diagram, the text shall control.
- (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (4) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (5) A "building" or "structure" includes any part thereof.
- (6) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- (7) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "or", or "either . . . or", the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either . . . or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

(b) *Definitions.* The words in the text or illustrations of this article shall be interpreted in accordance with the following definitions. The illustrations and diagrams in this section provide graphic representation of the concept of a definition; the illustration or diagram is not to be construed or interpreted as a definition itself.

Access. The way by which vehicles shall have ingress to and egress from a land parcel or property and the street fronting along such property or parcel.

Administrator. Administrator of the Division of ~~Neighborhood Services~~ Planning or such division having jurisdiction, or their appointed representative, per IC 36-7-4-710.

Alley. Any public right-of-way which has been dedicated or deeded to and accepted by the public for public use as a secondary means of public access to a lot(s) otherwise abutting upon a public street and not intended for traffic other than public services and circulation to and from such lot(s).

Applicant. The owners or owners, legal and equitable, of land within the territorial limits of Marion County, Indiana, who submit an application for plat approval under the provisions of this article.

Building. Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having a permanent roof supported by columns or walls.

Collector street. See street, collector.

Commission. The Metropolitan Development Commission of Marion County, Indiana.

Commitment. An officially recorded agreement concerning and running with the land as recorded in the office of the Marion County Recorder.

Committee. The Plat Committee of the Metropolitan Development Commission of Marion County, Indiana, or, in the case of a combined hearing as permitted under IC 36-7-4 and ~~95 AO 10/G.O. 130,~~ 1995 Section 730-200 of this Code, the hearing examiner of the Metropolitan Development Commission.

Comprehensive plan. The Comprehensive Plan for Marion County, Indiana, or segment thereof, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to IC 36-7-4.

Condition. An official agreement between the municipality and the petitioner concerning the use or development of the land as specified in the letter of grant of a petition as signed by the Administrator or secretary of the applicable appointed land use body.

Corner lot. See lot, corner.

Covenant. A legal agreement concerning the use of land.

Cul-de-sac. See street, cul-de-sac.

Front lot line. See lot line, front.

Full control of access. The condition where access, including its location, is fully controlled in connection with streets to give preference to through traffic by providing access connections only with selected streets and by prohibiting both crossings at grade and direct driveway connections.

Hardsurfaced. Quality of an outer area being solidly constructed of pavement, brick, paving stone, or a combination thereof.

Local street. See street, local.

Lot (this article only). That portion of a subdivision proposed to be recorded as a lot of record for the plat.

Lot area. The area of a horizontal plane bounded on all sides by the front, rear, and side lot lines that is available for use or development and does not include any area lying within the right-of-way of any public or private street, alley, or easement for surface access (ingress or egress) into the subject lot or adjoining lots.

Lot, corner. A lot abutting upon two (2) or more streets at their intersections, or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees (see Diagram D).

Lot, through. A lot abutting two (2) parallel streets, or abutting two (2) streets which do not intersect at the boundaries of the lot (see Diagram D).

Lot line. The legal boundary of a lot as recorded in the office of the Marion County Recorder.

Lot line, front. The lot line(s) coinciding with the street rights-of-way; in the case of a corner lot, both lot lines coinciding with the street rights-of-way shall be considered front lot lines; or in the case of a through lot, the lot line which most closely parallels the primary entrance of the primary structure shall be considered the front lot line, or so declared by the Administrator (see Diagram C).

Lot of record. A lot which is part of a subdivision or a lot or a parcel described by metes and bounds, the description of which has been so recorded in the office of the Recorder of Marion County, Indiana.

Marginal access street. See street, marginal access.

Partial control of access. The condition where access, including its location, is partially controlled in connection with streets to give preference to through traffic to a degree that in addition to access connections with selected streets, there may be permitted some crossings at grade and some direct driveway connections, with design and location approved by public authority, including the Metropolitan Development Commission of Marion County, Indiana.

Plat. An officially recorded map, as recorded in the office of the Marion County Recorder, or a map intended to be recorded indicating the subdivision of land including, but not limited to, boundaries and locations of individual properties, streets, and easements.

Proposed right-of-way. See right-of-way, proposed.

Public improvement. Any drainageway or easement, street, culvert, pedestrian way, sidewalk, street sign, monument, flood control or storm drainage system, sewage disposal system, or other facility for which the municipality may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which municipal responsibility is established.

Right-of-way. Specific and particularly described strip of land, property, or interest therein devoted to and subject to the lawful use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially recorded by the office of the Marion County Recorder.

Right-of-way, proposed. Specific and particularly described land, property, or interest therein devoted to and subject to the lawful public use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially described in the Marion County Thoroughfare Plan as adopted and amended by the Metropolitan Development Commission.

Secondary plat. A map indicating the subdivision of land, intended to be recorded and prepared in accordance with the requirements of this article.

Setback. The minimum horizontal distance established by ordinance between a proposed right-of-way line or a lot line and the setback line (see Diagram B).

Setback line. A line that establishes the minimum distance a building, structure, or portion thereof, can be located from a lot line or proposed right-of-way line (see Diagram B).

Sidewalk. A hardsurfaced walk or raised path along and often paralleling the side of the street intended for pedestrian traffic.

Staff. The staff of the Metropolitan Development Commission of the Department of Metropolitan Development, City of Indianapolis/Marion County, Indiana.

Street, collector. A street primarily designed and intended to carry vehicular traffic movement at moderate speeds (e.g., thirty-five (35) mph) between local streets and arterials while allowing direct access to abutting property(ies) (see Diagram E).

Street, cul-de-sac. A street having only one (1) open end which is permanently terminated by a vehicle turnaround (see Diagram E).

Street, expressway. A street so designated by the Official Thoroughfare Plan for Marion County, Indiana, as amended.

Street, freeway. A street so designated by the Official Thoroughfare Plan for Marion County, Indiana, as amended.

Street, local. A street primarily designed and intended to carry low volumes of vehicular traffic movement at low speeds (e.g., twenty (20) to thirty (30) mph) within the immediate geographic area with direct access to abutting property(ies) (see Diagram E).

Street, marginal access. A local street with control of access auxiliary to and located on the side of an arterial, thoroughfare, expressway, or freeway for service to abutting property(ies) (see Diagram E).

Street, parkway. A street serving through vehicular traffic and generally equal to or more than five thousand two hundred eighty (5,280) feet in length, the adjoining land on one (1) or both sides of which is predominantly dedicated or used for park purposes, and shall conform to the Comprehensive Plan and the Official Thoroughfare Plan for Marion County, Indiana, as amended.

Street, primary arterial. A street so designated by the Official Thoroughfare Plan for Marion County, Indiana, as amended.

Street, private. A privately held right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a right-of-way for such purposes. A private street may be comprised of pavement, shoulders, curbs, sidewalks, parking space, and the like.

Street, public. A publicly dedicated, accepted and maintained right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway,

arterial, thoroughfare, highway, or any other term commonly applied to a public right-of-way for such purposes. A public street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and the like.

Street, secondary arterial. A street so designated by the Official Thoroughfare Plan for Marion County, Indiana, as amended.

Structure. A combining or manipulation of materials to form a construction, erection, alteration or affixation for use, occupancy, or ornamentation, whether located or installed on, above, or below the surface of land or water.

Subdivision. The division of any parcel of land shown as a unit, as part of a unit or as contiguous units, on the last preceding transfer of ownership thereof, into two (2) or more parcels or lots, for the purpose, whether immediate or future, of transfer of ownership or building development.

Thoroughfare. A street primarily serving through vehicular traffic, including freeways, expressways, primary arterials, and secondary arterials.

Thoroughfare plan. The segment of the Comprehensive Plan for Marion County, Indiana, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to IC 36-7-4 that sets forth the location, alignment, dimensions, identification and classification of freeways, expressways, parkways, primary arterials, secondary arterials, or other public ways as a plan for the development, redevelopment, improvement, and extension and revision thereof.

Through lot. See lot, through.

Yard, front. An open space unobstructed to the sky, extending fully across the lot while situated between the front lot line and a line parallel thereto, which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line (see Diagram C).

(c) *Graphics.*

<i>Item</i>	<i>Diagram</i>
Access to areas abutting thoroughfares	A
Curb cut	B
Curb line	B
Driveway	B
Lot	D
Lot, corner	D
Lot, through	D
Lot line, front	C
Setback	B
Setback line	B
Street, collector	E
Street, cul-de-sac	E
Street, local	E
Street, marginal access	E
Yard, front	C

SECTION 11. The Appendix to Chapter 731 of the "Revised Code of the Consolidated City and County," regarding covenants, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

APPENDIX
COVENANTS

ENFORCEMENT COVENANT

"Metropolitan Development Commission: The Metropolitan Development Commission, its successors and assigns shall have no right, power or authority to enforce any covenants, restrictions or other limitations contained herein other than those covenants, restrictions or limitations that expressly run in favor of the Metropolitan Development Commission; provided that nothing herein shall be construed to prevent the Metropolitan Development Commission from enforcing any provision of this article, or any conditions attached to approval of this plat by the Plat Committee."

SITE DISTANCE COVENANT

"Site obstruction: No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between two (2) and nine (9) feet above the street shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting points twenty-five (25) feet from the intersection of such street lines, or in the case of a rounded property corner, from the intersection of the street lines extended, the same sight line limitations shall apply to any lot within ten (10) feet from the intersection of a street line with the edge of a driveway pavement or alley line. No tree shall be permitted to remain within such distances of such intersections unless the foliage is maintained at a sufficient height to prevent obstruction of such sight lines."

STORM DRAINAGE COVENANT (DRAINAGE AND FLOOD CONTROL)

As stated in section ~~40-5-41~~ 561-232, the owner(s) of this parcel shall include the following covenant on the recorded plat:

"It shall be the responsibility of the owner of any lot or parcel of land within the area of this plat to comply at all times with the provisions of the drainage plan as approved for this plat by the Division of Compliance of the Department of Capital Asset Management Metropolitan Development of the City of Indianapolis and the requirements of all drainage permits for this plat issued by such department."

SANITARY SEWER COVENANT

The owner(s) of this parcel shall include the following covenant on the recorded plat, as per section ~~27-157~~ 671-157:

"It shall be the responsibility of the owner of any lot or parcel of land within the area of this plat to comply at all times with the provisions of the sanitary sewer construction approved by the Division of Compliance of the Department of Capital Asset Management Metropolitan Development and the requirements of all sanitary sewer construction permits for this plan issued by such ~~Department~~ Division. Owner further covenants that no building, structure, tree or other obstruction shall be erected, maintained, or allowed to continue on the portion of the owner's real estate in which the easement and right-of-way are granted without express written permission, when duly recorded, shall run with the real estate. The Division of Compliance and the Department of Public Works, and ~~its~~ their agents, shall have the right to ingress and egress, for temporary periods only, over the owner's real estate adjoining such easement and right-of-way, when necessary to construct, repair or maintain sanitary sewer facilities."

SECTION 12. Section 732-200 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 732-200. General commercial district regulations.

The following regulations and performance standards shall apply to all land within the commercial zoning districts:

- (a) *Applicability of regulations.* After the effective date of this chapter:
 - (1) With the exception of legally established nonconforming uses, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this chapter.
 - (2) A lot may be divided into two (2) or more lots, provided that all resulting lots and all buildings thereon shall comply with all the applicable provisions of this chapter. If such a lot, however, is occupied by a nonconforming building, such lot may be subdivided provided such subdivision does not create a new noncompliance or increase the degree of noncompliance of such building.
 - (3) No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this chapter.
 - a. *Restoration of legally established nonconforming uses, structures, buildings.* Legally established nonconforming uses and structures or buildings not located in any flood control district may be restored to their original dimensions and conditions if damaged or partially destroyed by fire or other naturally occurring disaster provided the damage or

destruction does not exceed two-thirds (2/3) of the gross floor area of the building or structure affected.

- b. *Established setback exception.* In any block in which an existing front yard depth and setback is established (by legally established buildings within a commercial or industrial district) for more than twenty-five (25) percent of the linear frontage of the block (or a distance of two hundred (200) linear feet in either direction, whichever is the lesser), the minimum required front yard depth and setback for any new building or structure, except surface parking lots, shall be the average of such established yards if such dimension is less than the minimum required front setback established by this chapter. Provided, however, that in no case shall a building or structure:
 - 1. Encroach upon any proposed right-of-way, as determined by the Official Thoroughfare Plan of Marion County, Indiana, unless subject to the provisions of section 732-214(a);
 - 2. Encroach upon any existing right-of-way if no proposed right-of-way exists or if the existing right-of-way is greater than the proposed right-of-way; or
 - 3. Encroach into a clear sight triangular area, as required in section 732-214(c).
- c. *Expansion along an existing legally established nonconforming front setback line.* The minimum required front setback in any commercial district for any existing building, having a legally established front setback line which is less than the required front setback of the district, shall be modified to permit expansion of such building along the structure's legally established front setback, provided that:
 - 1. Only a one-time expansion along the legally established nonconforming setback line shall be permitted; and
 - 2. The linear front footage of the expansion does not exceed fifty (50) percent of the linear front footage of the existing building, and all other requirements of this chapter are maintained for the expansion.

Provided, however, that in no case shall a building or structure:

Encroach upon any proposed right-of-way, as determined by the Official Thoroughfare Plan of Marion County, Indiana, unless subject to the provisions of section 732-214(a);

Encroach upon any existing right-of-way if no proposed right-of-way exists or if the existing right-of-way is greater than the proposed right-of-way; or

Encroach into a clear sight triangular area, as required in section 732-214(c).

- d. *Expansion along an existing legally established nonconforming side setback line.* The minimum required side setback in any commercial district for any existing building, having a legally established side setback line which is less than the required side setback of the district, shall be modified to permit expansion of such building along its legally established nonconforming side setback line between the established front setback line and the established rear setback line provided that:
 - 1. Only a one-time expansion along the legally established setback line shall be permitted; and
 - 2. The linear footage of such expansion does not exceed fifty (50) percent of the linear footage of the building along that side setback line, and all other requirements of this chapter are maintained for the expansion; and
 - 3. This exception shall not apply to required side transitional yards.
- e. *Discontinuation of nonconformity.* The lawful nonconforming use or occupancy of any lot, in a commercial district, existing at the time of the effective date of this chapter, may be continued as a nonconforming use, but if such nonconforming use is discontinued for one (1) year, any future use or occupancy of such land shall be in conformity with the provisions of this chapter.

- (4) *Integrated center.* Land uses permitted in a commercial district established by this chapter may be grouped together to create an integrated center in that district. Integrated centers are defined in section 732-217.
- (5) *Building or structural height exception.* The following exceptions to the maximum vertical height of buildings and structures shall be permitted:
 - a. Parapet walls not exceeding two (2) feet in height from the roof line.
 - b. Roof structures for the housing of elevators, stairways, air conditioning apparatus, ventilating fans, skylights, or similar equipment to operate and maintain the building or structure.
 - c. Chimneys, flag poles, radio and television antennas, satellite dishes, and other similar structures, not exceeding twenty-five (25) feet in height from the roof line.
- (6) *Lot frontage exception.* Any lot recorded or any platted lot recorded prior to the adoption of 92-AO-4, August 2, 1993 having less than the minimum frontage required by the applicable commercial district regulations of this chapter, shall be deemed an exception to such minimum frontage requirement, and a commercial establishment may be constructed thereon provided all other requirements of this chapter, unless specifically excepted in this section, shall be maintained.
- (7) *Outdoor retail sales of beverages, flowers and food from carts on sidewalks and public areas.* The outdoor retail sales of beverages, flowers and food from carts on sidewalks and public areas shall be subject to the provisions of, and approved by the city controller in accordance with Chapter 961 of this Code, and shall not be subject to the provisions of this chapter.
- (8) *Legal establishment of nonconforming uses that were not legally initiated prior to April 8, 1969.*
 - a. A nonconforming use in a district of this chapter (as adopted by the Metropolitan Development Commission under docket number 69-AO-1) shall be deemed to be legally established (relative to both use and development standards) if the use:
 1. Existed prior to April 8, 1969; and
 2. Has continued to exist from April 8, 1969, to the present; and
 3. Has not been abandoned; and
 4. Of the entire building has not been vacant voluntarily for any period of three hundred sixty-five (365) consecutive days.

A certificate stating the use and development of a property are legally established under this section shall be available from the Administrator on the presentation of sufficient evidence. The rules of procedure of the Metropolitan Development Commission shall outline the procedure to be followed in order to obtain an official certificate.
 - b. Any construction, erection, conversion (including, but not limited to, the addition of dwelling units), enlargement, extension, reconstruction or relocation occurring after April 8, 1969, must have been done in conformity with these regulations and have been done for uses permitted by this chapter. Any such future activity shall not be permitted except in conformity with these regulations and for uses permitted by this chapter.
 - c. This subsection (a)(8) shall:
 1. Have no effect upon the powers of the Consolidated City of Indianapolis, Marion County, or any unit or agency thereof, or the Health and Hospital Corporation of Marion County, Indiana, to enforce other public health and safety laws and ordinances affecting real property, including those contained in IC 34-1-52-1 through 34-1-52-4 (Codification of Common Law Nuisance).

2. Not relieve any property of the legal obligation to comply with conditions or commitments which lawfully apply to the property made in connection with any variance, rezoning, platting, or other zoning decision.

3. Not apply to a property if written records of:

Health and Hospital Corporation of Marion County;

Fire department having jurisdiction over the property;

Local law enforcement agency or agencies having jurisdiction over the property; or

Indiana Department of Environmental Management or Department of Natural Resources;

for the twenty-four-month period prior to October 1, 1996, reflect that there has been a significant violation of laws pertaining to public health or safety or ordinances affecting real property, including those contained in IC 34-1-52-1 through 34-1-52-4 (Codification of Common Law Nuisance) for activities occurring on the property or the condition of the property.

- d. Definition of "significant violation." For purposes of this provision, a violation is defined to be significant as:

Any outstanding violation or three (3) or more separate citations from any of the health and safety agencies referred to in subsection (a)(8)c.3.; or

Any citation or violation of Sections 302, 304, 310, 311, 313, and 701 of Chapter 10 of the Code of the Health and Hospital Corporation of Marion County, Indiana (Housing and Environmental Standards Ordinance); or

One (1) or more convictions of a tenant, owner or lessee for criminal activities occurring on the property.

- (9) *Compliance with Chapter 731, Article III.* In compliance with IC-36-7-4-701, the Metropolitan Development Commission and city-county council have set forth the following zoning districts in which subdivision of land is required to comply with the provisions of Chapter 731, Article III of this Code:

Any commercial district, as noted in this chapter, which permits single-family or two-family dwellings. Specifically, the applicable district is the C-S (special commercial) classification, if single- or two-family dwelling development is approved as a permitted use.

Condominium development shall not be regulated by Chapter 731, Article III of this Code, but shall be regulated per IC 32-1-6.

- (10) *Chapter 735, Article IX.* In any commercial district, a wireless communication facility (as defined in, and subject to the additional regulations of, Chapter 735, Article IX of this Code), is permitted.

(b) *Performance standards.* All uses established or placed into operation after April 8, 1969, shall comply with the following performance standards. No use in existence on the effective date of this chapter shall be so altered or modified as to conflict with these standards.

- (1) *Vibration.* No use shall cause earth vibration or concussions detectable beyond the lot lines without the aid of instruments.
- (2) *Smoke, dust and particulate matter.* Smoke, dust, particulate matter and any other airborne material shall be subject to the standards and regulations of Chapter 511 of this Code, which ordinance is on file in the office of the Division of ~~Neighborhood and Development Services~~ Planning, Department of Metropolitan Development of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof.
- (3) *Noxious matter.* No use shall discharge across the lot lines noxious, toxic and corrosive matter, fumes or gases in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.

- (4) *Odor.* No use shall emit across the lot lines odor in such quantities as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
- (5) *Sound.* No use shall produce sound in such a manner as to endanger the public health, safety or welfare, or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat frequency, shrillness or vibration.
- (6) *Heat and glare.* No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.
- (7) *Waste matter.* No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the division of public health of the Health and Hospital Corporation of Marion County, Indiana, the Indiana State Board of Health, the Stream Pollution Control Board of the State of Indiana and the Department of Public Works of Indianapolis, Indiana, or in such a manner as to endanger the public health, safety or welfare or cause injury to property.

(c) *Prohibited uses (G.O. 92, 1994).* Uses for which the following Special Use Districts are provided, under Chapter 735, Article VII of this Code, shall not be permitted in any commercial zoning district created under this chapter:

SU-8	Correctional and penal institution
SU-10	Cemetery
SU-13	Sanitary landfill
SU-18	Light or power substation
SU-23	Permanent gravel or sand processing plant, rock crushing, grinding or milling and stockpiling
SU-28	Petroleum refinery and petroleum products storage
SU-35	Telecommunication receiving or broadcasting tower and associated accessory buildings
SU-39	Water tank, water pumping station and similar structures not located on buildings
SU-41	Sewage disposal plant; garbage feeding and disposal
SU-42	Gas utility
SU-43	Power transmission lines
SU-44	Off-track pari-mutuel wagering facilities, licensed as satellite facilities under IC 4-31-5.5.

SECTION 13. Sections 732-211 through 732-214 of the "Revised Code of the Consolidated City and County," inclusive, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 732-211. Off-street parking regulations.

All off-street parking areas for motor vehicles accessory to the uses in the commercial districts shall be provided in accordance with the following regulations. However, commercial parking facilities, including attendant parking, shall be subject to the provisions of Chapter 931 of this Code, and shall not be subject to the development standards of this chapter other than the minimum setback requirements of the applicable district.

(a) *Application of regulations.*

- (1) *Buildings, structures, uses established hereafter - exception for permits previously issued:* For all buildings and structures erected and all uses of land established after the effective date of this chapter, accessory parking facilities shall be provided in accordance with the regulations of this section. However, where improvement location and building permits have been issued prior to the effective date of this chapter, and provided that construction has begun within six (6) months of such effective date and diligently prosecuted to completion (but such time period not to exceed two (2) years after the issuance of such building permit), parking facilities in the amounts required for issuance of such permits may be provided in lieu of any different amount required by the off-street parking regulations of this chapter.
- (2) *Buildings, structures, uses existing or hereafter established - increased intensity of use:* When the intensity of use of any legally established building, structure or premises (existing on the effective date this chapter or hereafter established) is increased resulting in a net increase of

gross floor area or any other unit of measurement specified herein for determining required parking areas, parking spaces and any other facilities as required herein shall be provided for such increase in intensity of use. However, no building or structure lawfully erected, or use lawfully established, prior to the effective date of this chapter shall be required to provide such additional parking spaces or areas, unless and until the aggregate increase in any unit of measurement specified herein for determining required parking spaces causes an increase in the required number of parking spaces that equals fifteen (15) percent or more of the number of parking spaces existing on the effective date of this chapter, in which event parking spaces and areas as required herein shall be provided for the total increase.

- (3) *Change of use:* Whenever the type of use of a building, structure or premises is hereafter changed to a new type of use permitted by this chapter, parking spaces and areas shall be provided as required by the provisions of this chapter for such new type of use, subject to the exception noted in section 732-211(a)(2).
 - (4) *Existing parking areas:* Required accessory off-street parking areas in existence on the effective date of this chapter shall not hereafter be reduced below, or if already less than, shall not be further reduced below, the requirements for such use as would be required for such use as a new use of a building, structure or premises under the provisions of this chapter.
 - (5) *New or expanded parking areas:* Nothing in this chapter shall prevent the establishment of, or expansion of the amount of, parking areas to serve any existing use of land or building, provided that all other regulations herein governing the location, design, landscaping, construction and operation of such areas shall be adhered to.
- (b) *Location.*
- (1) Accessory off-street parking areas shall be provided on the same lot as the building or use served, or as provided in section 732-211(c) below, and shall not be located within the public right-of-way.
 - (2) Accessory parking areas shall be located in a commercial district which permits the primary use or the I-3, I-4, and I-5 industrial suburban and urban districts.
 - (3) Any accessory parking area located in a different district than that of the primary use must comply with the development standards for the district in which the parking area is located.
- (c) *Common or combined off-street accessory parking areas.* Common or combined accessory off-street parking areas may be provided to serve two (2) or more primary buildings or uses, provided such common or combined accessory off-street parking areas shall:
- (1) Be so planned, designed, constructed and maintained as to create a desirable, efficient and well planned off-street parking area with functional and aesthetic value, attractiveness and compatibility with adjacent land uses, and consistent with the character of the district within which it is located.
 - (2) Be located within five hundred (500) feet of the primary uses served, measured from the nearest point of the parking area boundary to the primary use served.
 - (3) At all times have the minimum total number of spaces that is equal to the sum of the minimum required parking spaces for the use (if freestanding), or integrated center (see Table 2.10-A, #28.). No parking space for one (1) use shall be included in the calculation of parking space requirements for any other use.
 - (4) File a site and development plan for any common or combined parking area(s) with the division of ~~neighborhood and development services~~ planning for approval by the Administrator prior to the issuance of an Improvement Location Permit. Such site and development plan shall indicate:
 - a. Adjacent streets, alleys and lots;
 - b. Uses to be served, including the location, use (e.g., employee, customer, etc.) and number of parking spaces for each such use as required by section 732-211(k) hereof;
 - c. Access drives, driveways, interior access driveways and acceleration/deceleration lanes;

- d. The parking area layout, including parking areas, parking spaces, total number of parking spaces and dimensions thereof;
- e. Distances to the primary uses served (see section 732-211(c)(2) for distance measurement);
- f. All landscaping and screening, walls and fences; proposed lighting, if any; and type of paving proposed;
- g. Location of signs;
- h. Location and type of parking space barriers or curbing, if any; and
- i. All other requirements of Chapter 730, Article III.

Such site and development plan shall demonstrate compliance with all applicable standards of this chapter. Such site and development plan shall be amended and resubmitted for Administrator's approval to indicate any change or other modification of uses served as may be required by section 732-211(a)(2) or (3) or number of parking spaces provided therefor, prior to obtaining a new Improvement Location Permit.

Common or combined off-street accessory parking area shall be developed, maintained and used only in accordance with such approved site and development plan and all other requirements of this chapter.

(d) *Minimum parking lot and parking space dimensions.*

- (1) The interior access drives, interior access driveways, drives, driveways, entrances, exits, aisles, bays and traffic circulation for parking lots and parking garages shall be designed and constructed at not less than the recommended specifications contained in Architectural Graphic Standards, Eighth Edition, Ramsey/Sleeper, John Wiley and Sons, Inc., New York, New York (a copy of which is on file in the office of the division of ~~neighborhood and development services~~ planning and is hereby incorporated by reference and made a part hereof); except that minimum parking space (or stall) dimensions shall be as set forth below.
- (2) Each off-street parking space shall have, regardless of angle of parking, a usable parking space dimension measuring not less than nine (9) feet in width (measured perpendicularly from the sides of the parking space) and not less than eighteen (18) feet in length; provided, however, that the total usable parking space area shall be, in no instance, less than one hundred eighty (180) square feet in total area.

Exceptions:

- a. All required parking spaces for any use allowing shopping carts to be removed from the interior of the establishment (i.e., grocery store) shall have a usable parking space dimension measuring not less than ten (10) feet in width (measured perpendicularly from the sides of the parking space) and not less than eighteen (18) feet in length; provided, however, that the total usable parking space area shall be at least one hundred eighty (180) square feet. The required parking spaces for such uses shall be located within five hundred (500) feet of the front entrance of the establishment.
- b. All parking spaces reserved for the use of physically handicapped persons shall have a usable parking space dimension measuring not less than thirteen (13) feet in width (measured perpendicularly from the sides of the parking space) and not less than twenty (20) feet in length (see also section 732-211(l), required parking spaces for the disabled).

(e) *Access to and from parking areas.*

- (1) Each off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.
- (2) All off-street parking spaces or areas shall be designed with appropriate means of vehicular access to a street or alley in such a manner as to minimize interference with traffic movement and to provide safe and efficient means of vehicular access. Off-street parking spaces and areas shall be designed and located so that vehicles shall not back from or into a public street or adjoining property.

(f) *Use of parking areas.*

- (1) The parking area shall not be used for the storage, display, advertisement, sale, repair, dismantling or wrecking of any vehicle, equipment or material. The parking area shall not be used for the storage of any commercial or inoperable vehicles.
- (2) Buildings or structures for guards, attendants or watchmen shall be permitted; however, any such structure shall not occupy a required off-street parking space(s) and shall comply with all setback requirements.
- (3) Loading spaces and maneuvering area, as required in section 732-212, shall not constitute a required off-street parking space; nor shall any off-street parking area be used as a loading space or area.

(g) *Surface of parking area.*

- (1) Off-street parking spaces may be open to the sky, covered, or enclosed in a building. In any instance where a building is constructed or used for parking, it shall be treated as any other building or structure and subject to all use and development standards requirements of the applicable commercial district in addition to the requirements contained herein.
- (2) All off-street parking areas, and the access to and from such areas, shall be hardsurfaced to adequately provide a durable and dust-free surface. A gravel surface may be used for a period not exceeding one (1) year after the commencement of the use for which the parking areas is provided, where ground or weather conditions are not immediately suitable for permanent surfacing as specified above.
- (3) The surface shall be graded, constructed and drained in such a manner that there will be no detrimental flow of water onto sidewalks.
- (4) The parking area(s), where abutting a required landscaped yard or area, shall be designed and constructed in such a manner that no part of any parked vehicle shall extend beyond the boundary of the established parking area into any minimum required landscaped yard or area or onto adjoining property.

(h) *Marking of parking spaces.* All parking spaces shall be marked by durable painted lines at least four (4) inches wide and extending the length of the space or by curbs or other means to indicate individual spaces. Signs or markers located on the pavement surface within a parking lot may be used as necessary to ensure efficient and safe traffic operation of the lot.

(i) *Lighting of parking area.*

- (1) When parking areas are illuminated, the lighting equipment shall provide good visibility with a minimum of direct glare.
- (2) In applying exterior lighting, equipment shall be of an appropriate type and be so located, shielded and directed that the distribution of light is confined to the area to be lighted.
- (3) Objectionable light onto adjacent properties and streets shall be avoided to prevent direct glare or disability glare.
- (4) Lighting levels for outdoor parking areas shall meet the following minimum average maintained horizontal footcandles (as specified in Architectural Graphic Standards, Eighth Edition, Ramsey/Sleeper, John Wiley and Sons, Inc., New York, New York (a copy of which is on file in the office of the Division of ~~Neighborhood and Development Services~~ Planning of the Department of Metropolitan Development and is hereby incorporated by reference and made a part hereof).

(j) *Landscaping.* All parking areas in excess of one hundred (100) spaces shall be landscaped in accordance with section 732-214(g)(3) (additional landscaping requirements - interior of parking lots).

(k) *Amount of parking spaces required.*

- (1) Off-street parking spaces shall be provided and maintained for uses in the commercial district in accordance with the minimum requirement set forth in Table 2.10-A.

- (2) when a computation of required parking spaces results in a fraction of one-half (1/2) or greater, the number of required parking spaces shall be rounded up to the next whole number.

TABLE 2.10-A MINIMUM NUMBER OF OFF-STREET PARKING SPACES REQUIRED BY USE

<i>Use</i>	<i>Minimum parking requirement</i>
1. Any amusement establishments (commercial, recreational) involving the assembling of persons (unless otherwise specified in this table):	
a. Indoor	One (1) parking space for each two hundred fifty (250) square feet of gross floor area.
b. Outdoor	One (1) parking space for each two hundred (200) square feet of gross floor area plus one (1) parking space for each four hundred (400) square feet of site area accessible to the public, exclusive of the parking area.
2. Assisted-living facility	Total car ratio (TCR) - assisted-living facilities: 0.500. In addition, one (1) visitor parking space shall be provided per six (6) dwelling units; plus one (1) parking space per employee on duty during the peak work shift.
3. Auto, truck or motorcycle sales or repair:	One (1) parking space for each employee per largest work shift, plus two (2) spaces per service bay (a service bay shall not be considered a parking space), plus one (1) space for each two hundred (200) square feet of interior sales and display area, plus one (1) space for each seven thousand (7,000) square feet of outdoor display area.
4. Banking: bank, savings and loan, credit union	
a. Combined drive-through and walk-in facilities	One (1) parking space for each two hundred fifty (250) square feet of gross floor area. (Also subject to the drive-through requirements of section 732-213).
b. Drive-through facility only	One (1) parking space for each employee per largest work shift, plus a minimum of three (3) additional parking spaces. (Also subject to the drive-through requirements of section 732-213).
c. Walk-in facility only	One (1) parking space for each two hundred (200) square feet of gross floor area.
5. Bowling alleys:	a. Four (4) parking spaces for each alley/lane. b. If, in addition, there are other uses or accessory uses located within or operated in conjunction with the bowling alley, such as restaurants, night clubs, and the like, additional parking spaces, calculated based upon the parking requirements for that specific use, shall be provided (calculation shall be based upon the total square feet of gross leasable floor area for uses located within or operated in conjunction with the bowling alley).
6. Churches/synagogues, auditoriums, assembly halls, recital halls:	One (1) parking space for each four seats at maximum calculated capacity.
7. Community centers, museums, civic clubs, philanthropic and eleemosynary institutions:	One (1) parking space for each four hundred (400) square feet of gross floor area.
8. Convenience market	One (1) parking space for each two hundred eighty-five (285) square feet of gross floor area. Parking spaces at gasoline pumps may be included in the calculation of required parking.

9. Day nurseries, day care centers, kindergartens, nursery schools:	One (1) parking space for each employee per largest work shift, plus one (1) parking space for each five hundred (500) square feet of gross floor area.
10. Fire station:	One (1) parking space for each two (2) employees on the premises during the largest work shift, plus a minimum of three (3) additional parking spaces.
11. Furniture/floor or wall covering store	One (1) parking space for each four hundred (400) square feet of gross floor area.
12. Gasoline service stations, tire and auto service center, other auto service functions:	One (1) parking space for each employee per largest work shift, plus two (2) spaces per service bay (a service bay shall not be considered a parking space), plus three (3) customer spaces, plus one (1) space for each three hundred (300) square feet of gross floor area devoted to retail sales.
13. Gasoline service station/convenience market	Same as (8) convenience market.
14. Grocery store/supermarket	One (1) parking space for each one hundred fifty (150) square feet of gross floor area.
15. Hardware/paint/home improvement store	One (1) parking space for each two hundred (200) square feet of gross floor area plus one (1) parking space for each one thousand (1,000) square feet of the facility devoted to outside operations or storage, exclusive of the parking area.
16. Health spa/sports club	a. One (1) parking space for each two hundred (200) square feet of gross floor area. b. If, in addition, there are other uses or accessory uses located within or operated in conjunction with the health spa or sports club, such as dining areas, restaurants, night clubs, retail stores and the like, additional parking spaces, calculated based upon the parking requirements for that specific use, shall be provided (calculation shall be based upon the total square feet of gross leasable floor area for such uses located within or operated in conjunction with the health spa or sports club).
17. Hotels, motels:	a. One (1) parking space for each rental sleeping unit. b. If, in addition to sleeping units, there are other uses or accessory uses located within or operated in conjunction with the hotel or motel, such as ballrooms, meeting rooms, dining areas, retail stores, auditoriums, restaurants, night clubs, and the like, additional parking spaces, calculated based upon the parking requirements for that specific use, shall be provided. (Calculation shall be based upon the total square feet of gross leasable floor area for such uses located within or operated in conjunction with the hotel or motel).
18. Library	One (1) parking space for each four hundred (400) square feet of gross floor area.
19. Medical, dental, optometrists clinics/offices:	One (1) parking space for each two hundred (200) square feet of gross floor area.
20. Mini-warehouses	Three (3) parking spaces for each office, plus one (1) parking space per each employee based on the largest work shift, plus one (1) parking space per resident/manager, plus one (1) parking space for each thirty (30) storage units. Required off-street parking spaces shall not be utilized as rental or leased spaces.

21. Miniature golf	Four (4) parking spaces for each golf hole, plus one (1) parking space per each employee based on the largest work shift, plus one (1) space per each one hundred (100) square feet devoted to accessory retail or amusement establishments.
22. Mortuary, funeral service, crematories	One (1) parking space for each fifty (50) square feet of floor area in parlors and assembly rooms.
23. Nursing and convalescent homes, homes for the aged, sanitariums, rehabilitation centers	One (1) parking space for each three (3) patient beds, plus one (1) parking space for each two (2) employees and each two (2) staff doctors on the premises during the largest work shift.
24. Office commercial use, general: (To include, but not be limited to business, professional office, post office, office park, research center)	Three and one-half (3.5) parking spaces for each one thousand (1,000) square feet of gross floor area.
25. Racquetball/tennis courts/club facilities	One (1) parking space per employee, plus four (4) parking spaces per game court, plus one (1) parking space for each two hundred (200) square feet of the remaining floor area in the building devoted to retail activities.
26. Restaurant:	
a. Family	One (1) parking space per employee per largest work shift plus one (1) parking space for each four (4) customer seats.
b. Fast food, with or without drive-through	One (1) parking space per employee per largest work shift plus one (1) parking space for each three (3) customer seats. Provided, however, in no case shall any such use provide less than five (5) parking spaces (also subject to the drive-through requirements of section 732-213).
c. Fast food, drive-through only (no seating)	One (1) parking space per employee per largest work shift plus a minimum of three (3) additional parking spaces (also subject to the drive-through requirements of section 732-213).
27. Taverns and night clubs	One (1) parking space per employee per largest work shift plus one (1) parking space for each seventy-five (75) square feet of gross floor area.
28. Retail or service commercial uses - individual, freestanding uses: including but not limited to: Bakeries; drugstores; beauty and barber shops; package liquor stores; laundromats, photo studios; jewelry, gift, appliance and similar stores; personal service shops	Three and one half (3.5) parking spaces for each one thousand (1,000) square feet of gross leasable area shall be required for any individual, freestanding retail or service commercial use unless listed separately in this section, in which case the parking requirement noted for that specific use shall be utilized. Provided, however, that in no case shall any individual use provide less than five (5) parking spaces.
29. Retail or service commercial uses - integrated centers (as defined in section 732-217)	a. If the total gross leasable area of an integrated center is less than four hundred thousand (400,000) square feet, four (4) parking spaces for each one thousand (1,000) square feet of gross leasable area shall be required;
	b. If the total gross leasable area of an integrated center is greater than four hundred thousand (400,000) square feet, but less than six hundred thousand (600,000) square feet, four and one half (4.5) parking spaces for each one thousand (1,000) square feet of gross leasable area shall be required.

	<p>c. If the total gross leasable area of an integrated center is greater than six hundred thousand (600,000) square feet, five (5) parking spaces for each one thousand (1,000) square feet of gross leasable area shall be required.</p> <p>Provided, however:</p> <p>(1) In no case shall any individual use provide less than five (5) parking spaces; and</p> <p>(2) The following individual uses: grocery store/supermarket; theatres - motion picture or legitimate; bowling alley; or night club, shall provide parking spaces as required for the individual use by this section and such calculation shall be separate from the calculation of the gross leasable area calculation of the integrated center.</p>
30. Roller/ice skating rink	One (1) parking space for each two hundred (200) square feet of gross floor area in the building.
31. Schools: business, technical, trade, and vocational	One (1) parking space for each one hundred (100) square feet of gross floor area in the building, or one (1) parking space per each twenty-five (25) square feet of classrooms, whichever provides the greatest number of spaces.
32. Theatres: motion picture or legitimate	One (1) parking space for each three (3) seats.
33. All uses permitted in the C-ID Commercial-Industrial District:	One (1) parking space for each two (2) employees per largest work shift, plus five (5) customer spaces. Any floor area in the establishment devoted to retail sales shall require additional customer parking spaces in the amount specified elsewhere in this section for the type of retail sales involved.
34. Uses not specified	For any commercial district use not specified above, specific requirements shall be determined by the Administrator and shall be based upon requirements for similar uses, expected demand and traffic generated by the proposed use, and other information from appropriate traffic engineering and planning criteria.

(l) *Required parking spaces for the disabled.* Every parking facility available to the public shall have parking spaces reserved for the use of physically handicapped persons, as defined in section 732-217, according to the following schedule:

Total Required Number of Parking Spaces in Facility

Minimum Number of Reserved Spaces

0 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	Two (2) percent of the total number of parking spaces.
1000 and over	Twenty (20), plus one (1) for each one hundred (100) spaces over one thousand (1,000).

Parking spaces reserved for the use of the physically handicapped persons shall count towards the minimum number of off-street parking spaces required in section 732-211, Table 2.10-A.

The dimensions of parking spaces reserved for the use of physically handicapped persons shall be those noted in section 732-211(d)(2)b.

(m) *Parking reduction provision.* The Administrator may authorize reductions, beyond those available in section 732-211(c), up to ten (10) percent of the maximum number of parking spaces required for (a) use(s) which require four hundred (400) or more parking spaces, if access is provided to public transportation.

Sec. 732-212. Off-street loading regulations.

All off-street loading facilities accessory to uses in the commercial districts shall be provided and maintained in accordance with the following regulations.

(a) *Minimum loading area dimensions.*

- (1) A required off-street loading space shall be at least twelve (12) feet in width by at least fifty-five (55) feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fifteen (15) feet.
- (2) The interior access drives, interior access driveways, driveways, aisles, berths and vehicular circulation and maneuvering for loading areas shall be designed and constructed at not less than the recommended specifications contained in Architectural Graphic Standards, Eighth Edition, Ramsey/Sleeper, John Wiley and Sons, Inc., New York, New York (a copy of which is on file in the office of the division of ~~neighborhood and development services~~ planning and is hereby incorporated by reference and made a part hereof).

(b) *Access to and from loading area.*

- (1) Each required off-street loading space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such loading space.
- (2) All off-street loading facilities shall be designed with appropriate means of vehicular access to a street or alley in such a manner as to minimize interference with traffic movement and to provide safe and efficient means of vehicular access.

(c) *Location and setback.*

- (1) All required off-street loading spaces shall be located on the same lot as the use served, and shall be designed and located so that trucks shall not back from or into a public street or adjoining property.
- (2) No open loading area or loading space shall be located in a required minimum front, side or rear yard or a required transitional yard.

(d) *Screening.* All vehicle loading spaces on any lot abutting a protected district or separated by a public right-of-way from a protected district shall be enclosed within a building or screened and landscaped in addition to the commercial district's regulations for screening and landscaping transitional yards. Such screening and landscaping shall be installed as required in section 732-214(g).

(e) *Use of loading area.* Space allotted to off-street loading spaces and maneuvering area shall not be used to satisfy the off-street parking space requirements.

(f) *Surface of loading area.*

- (1) Off-street loading spaces may be open to the sky, covered or enclosed in a building. In any instance where a building is constructed or used for loading, it shall be treated as any other structure and subject to all use and development standards of the applicable commercial districts in addition to these requirements contained herein.
- (2) All loading areas shall be hardsurfaced to adequately provide a durable and dust-free surface. A gravel surface may be used for a temporary period not to exceed one (1) year after

commencement of the use for which the loading area is provided, where ground and weather conditions are not immediately suitable for permanent surfacing as specified above.

- (3) The surface shall be graded, constructed and drained in such a manner that there will be no detrimental flow of water onto sidewalks.

(g) *Lighting of loading area.* When lighting facilities are used to illuminate a loading area, the lighting equipment shall be located, shielded and directed so that the lighting distribution is confined to the area to be lighted. Objectionable light onto adjacent properties and streets shall be avoided to prevent direct glare or disability glare.

(h) *Amount of loading area required.* Off-street loading space shall be provided and maintained in accordance with the following minimum requirements:

- (1) For each retail store, planned shopping center or commercial establishment, having an aggregate gross floor area of:
 - a. Under ten thousand (10,000) square feet: No loading space
 - b. Over ten thousand (10,000) square feet but not over twenty-five thousand (25,000) square feet: One (1) loading space
 - c. Over twenty-five thousand (25,000) square feet but not over sixty thousand (60,000) square feet: Two (2) loading spaces
 - d. Over sixty thousand (60,000) square feet but not over one hundred twenty thousand (120,000) square feet: Three (3) loading spaces
 - e. Over one hundred twenty thousand (120,000) square feet but not over two hundred thousand (200,000) square feet: Four (4) loading spaces
 - f. Over two hundred thousand (200,000) square feet but not over two hundred ninety thousand (290,000) square feet: Five (5) loading spaces
 - g. For each additional ninety thousand (90,000) square feet exceeding two hundred ninety thousand (290,000) square feet or fraction thereof: One (1) additional loading space
- (2) For each auditorium, hotel, apartment, office building or similar use, having an aggregate gross floor area of:
 - a. Under ten thousand (10,000) square feet: No loading space
 - b. Over ten thousand (10,000) square feet but not over forty thousand (40,000) square feet: One (1) loading space
 - c. For each additional sixty thousand (60,000) square feet exceeding forty thousand (40,000) square feet or fraction thereof: One (1) additional loading space
- (3) For any C-ID District use, having aggregate gross floor area of:
 - a. Under forty thousand (40,000) square feet: One (1) loading space
 - b. Over forty thousand (40,000) square feet but not over one hundred thousand (100,000) square feet: Two (2) loading spaces
 - c. Over one hundred thousand (100,000) square feet but not over two hundred thousand (200,000) square feet: Three (3) loading spaces
 - d. For each additional two hundred thousand (200,000) square feet exceeding two hundred thousand (200,000) square feet or fraction thereof: One (1) additional loading space
- (4) For assisted-living facilities: Provide an off-street loading area for the delivery of goods and supplies for projects involving more than fifteen (15) units.
- (5) For any commercial district use not specified above, the off-street loading requirements for a specified use to which such use is most similar shall apply.

Sec. 732-213. Drive-through off-street stacking space regulations.

(a) *General provisions.* The purpose of off-street stacking space regulations is to promote public safety by alleviating on-site and off-site traffic congestion from the operation of a facility which utilizes a drive-through service unit. Any use having a drive-through service unit shall provide the required off-street stacking area on-site to minimize off-site traffic congestion while waiting for service. Each drive-through service unit shall provide stacking spaces as follows:

- (1) Each stacking space shall be not less than eight and one-half (8 1/2) feet in width and seventeen and one-half (17 1/2) feet in length, with additional spaces for necessary turning and maneuvering.
- (2) The area required for stacking spaces shall be exclusive of and in addition to any required parking space, loading space, driveway, aisle and required yard, unless specifically noted.
- (3) A parking space at any component of a drive-through service unit (window, menu board, order station, or service bay) shall be considered to be a stacking space.
- (4) An area reserved for stacking spaces shall not double as a circulation driveway or maneuvering area.
- (5) Sites with stacking spaces shall include an exclusive bypass aisle, driveway or other circulation area in the parking lot design to allow vehicles to bypass the stacking area.
- (6) A drive-through service unit may project up to one (1) foot into the stacking area.
- (7) A drive-through service unit shall not be permitted on the side or rear of a building, or within the side or rear yard of a building, which abuts a protected district unless the side or rear setback of each component of a service unit is located more than one hundred (100) feet from the protected district.
- (8) Drive-through service units may contain more than one (1) component part. Service units may contain such components as menu board(s), pay windows, and food-service pickup windows. To determine the number of off-street stacking spaces located before a service unit, the final component of the service unit shall be used in determining the location of the required off-street stacking spaces. In the case of car washes, the final component of a service unit is the entrance to the car wash building itself.

(b) *Site plan submission.* All required off-street stacking spaces and circulation pattern(s) shall be demonstrated on the site plan that is submitted at the time of filing for an Improvement Location Permit. The submitted site plan shall also delineate:

- (1) All existing and proposed points of ingress and egress, circulation and maneuvering areas, off-street parking and loading areas; and
- (2) Separately tabulate the number of required off-street parking, loading, and stacking spaces in a conspicuous place on the plan for easy reference.

Prior to obtaining an Improvement Location Permit, the site plan shall be forwarded to the ~~Department of Transportation~~ division of compliance for its review and comment.

(c) *Required stacking spaces.*

- (1) *Bank (including ATM's):* Six (6) spaces before the final component of each service unit; one (1) space after each service unit.
- (2) *Drive-in theatre:* Before the ticket service window or area, stacking space shall be equal to twenty (20) percent of the total off-street parking capacity of the theatre. The in-bound reservoir area shall not connect or conflict in any way with exit driveways.
- (3) *Car washes:*
 - a. Self-service or hand wash: Three (3) spaces before the final component of each service unit; two (2) spaces at the exit of each unit.

- b. Semi- or fully automatic: Twenty (20) spaces before the final component of each service unit; six (6) spaces reserved for vacuuming or drying of automobiles may count in the exit stacking figure. Parking spaces not required for off-street parking spaces may be utilized for the stacking space calculation.

(4) *Restaurants:*

<i>Number of Drive-Through Service Units</i>	<i>Total Number of Stacking Spaces Required</i>
One (1)	Six (6) spaces before the final component of the service unit; two (2) spaces at the exit of the unit.
Two (2)	Eight (8) spaces before the final component of each service unit; two (2) spaces at the exit of each unit
For each additional drive-through service unit	Four (4) spaces before the final component of each additional service unit and one (1) space at the exit of each unit.

- (5) *All other facilities utilizing a drive-through service unit.* Including, but not limited to laundry and dry cleaning stations, photo drop-off/pick-up stations, automobile oil change or lubrication facilities: Three (3) spaces before the final component of the service unit; one (1) space at the exit of each service unit.

Sec. 732-214. Special regulations.

(a) *Minimum front setback lines and front yards.* Front setbacks, having a minimum depth in accordance with the following setback standards, shall be provided along all public and private street right-of-way lines, and the minimum required building setback lines shall be as follows:

- (1) No part of any building shall be built closer to the proposed right-of-way lines of the following streets than:

Ten (10) feet from the proposed right-of-way or seventy (70) feet from the center line, whichever is greater.

Expressway, freeway, primary arterial, parkway, secondary arterial (as designated on the Official Thoroughfare Plan for Marion County, Indiana)

Ten (10) feet from the proposed right-of-way.

Collector street, local street, marginal access street (including marginal access streets with a coinciding right-of-way boundary immediately paralleling either a federal interstate highway route or any thoroughfare), cul-de-sac or any private street.

Subject to the following:

- Any required front transitional yard shall have a minimum depth of twenty (20) feet, rather than ten (10) feet. However, there shall be no transitional yard requirement for expressways, freeways or primary arterials, which shall only be required to provide the required front yard setback of ten (10) feet.
- The required front yard and setback shall be located outside of and adjacent to the proposed right-of-way line of the street while paralleling and extending the full length of such right-of-way line, except when interrupted by driveway(s).
- The uses of required front yards and required transitional yards shall be those permitted in the provisions of the use of required yards and required transitional yards sections of the applicable commercial zoning district.
- Canopies, eaves, cornices or other laterally supported extensions may extend a maximum of four (4) feet into a required front yard.
- In the case where a proposed right-of-way line does not exist, as determined by the Official Thoroughfare Plan for Marion County, Indiana, or where the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement.

- (2) No part of any structure, including parking areas, parking spaces, interior access drives, and interior access driveways, shall be built closer than twenty (20) feet to the right-of way line of a federal interstate highway route.
- (3) Structures, including parking areas, parking spaces, interior access drives and interior access driveways may be located within the front setback in an area designated as proposed right-of-way under the following provisions:
 - a. *Streets not designated as a priority in the Official Thoroughfare Plan for Marion County, Indiana.* A required landscape strip shall be provided, measured from the existing right-of-way, and shall have a minimum depth of ten (10) feet. The required landscape strip shall be located outside of and adjacent to the existing right-of-way line of the street while paralleling and extending the full length of such right-of-way, except when interrupted by driveway(s).
 - b. *Streets designated as a priority in the Official Thoroughfare Plan for Marion County, Indiana.* A required landscape strip shall be provided, measured from the existing right-of-way, and shall have a minimum depth of ten (10) feet. The required landscape strip shall be located outside of and adjacent to the existing right-of-way line of the street while paralleling and extending the full length of such right-of-way line, except when interrupted by driveway(s).

In addition, sufficient off-street parking shall be provided on the site outside of the proposed right-of-way so that the applicable off-street parking requirements for the use(s) are met.

In addition, if the Department of ~~Transportation~~ Public Works would acquire the proposed right-of-way for thoroughfare development or expansion, the Department of ~~Transportation~~ Public Works shall have no obligation to pay for any structure located within the proposed right-of-way.

In the event of dedication of right-of-way as a result of rezoning or other methods for both nonpriority and priority streets, such dedication shall not alleviate the right to use the right-of-way in the manner provided above, until such time as the Department of ~~Transportation~~ Public Works determines that the additional right-of-way is needed for widening.

(b) *Integrated shopping center or complex - plan requirements for Improvement Location Permit issuance:* Prior to Improvement Location Permit issuance for any building or structure within an integrated shopping center or complex, three (3) copies of the site plans and landscape plans for the entire integrated center shall be on file with the Department of Metropolitan Development.

(c) *Street requirements:*

- (1) *Clear sight triangular area.* The following provisions shall apply to all streets, whether public or private: All landscape plantings, structural barriers, shrubs, trees, structures or other objects, temporary or permanent, shall permit completely unobstructed vision within a clear sight triangular area between the heights of two and one-half (2 1/2) and nine (9) feet above the crown of the streets, drives, or driveways. A clear sight triangular area shall be established as one of the following (see section 732-217, Diagram E):
 - a. On a corner lot, the clear sight triangular area is formed by the street right-of-way lines, the pavement edge of the drives or driveways and the line connecting points twenty-five (25) feet from the intersection of such street right-of-way lines and pavement edge lines; or in the case of a round or cut property corner, from the intersection of the street right-of-way lines and pavement edge lines extended; or
 - b. On a lot adjacent to an at-grade railroad crossing, the clear sight triangular area is formed by the lot line coterminous with the railroad right-of-way, the street right-of-way line or pavement edge line, and the line connecting points twenty-five (25) feet from the intersection of such lines; or
 - c. On a lot which has a driveway, abuts an alley or which is next to a lot which has a driveway, the two (2) clear sight triangular areas are formed by the street right-of-way line, both sides of either the alley right-of-way or of the surface edge of the driveway, and

the line connecting points ten (10) feet from the intersection of the street right-of-way line and driveway or alley lines extended.

(2) *Requirements for public streets.*

- a. All public streets shall be dedicated to the public, accepted for public maintenance by the Department of ~~Transportation~~ Public Works, and improved and constructed in accordance with the standards required by the ~~Indianapolis~~ Department of ~~Transportation~~ Public Works Standards for Street and Bridge Design and Construction, or as approved by the director of the Department of ~~Transportation~~ Public Works.
- b. The right-of-way of any streets within an integrated center which are indicated on the Official Thoroughfare Plan for Marion County, Indiana, or which has been required by zoning, variance, or platting commitment, condition or covenant to be developed as public streets, is to be constructed to specific standards based upon their proposed functional classification and shall be dedicated to the public, or the right-of-way thereof shall be reserved for the future.

(3) *Requirements for private streets, driveways, interior access driveways and interior access drives:*

- a. All private streets, driveways, interior access driveways and interior access drives shall meet the minimum standards for construction, materials or use in construction and design as specified by the "Standard Specifications," Indiana Department of Transportation (8-17-1-39), 1988 Edition, the Indiana Department of Transportation Supplemental Specifications, and the Indianapolis Department of ~~Transportation~~ (IDOT) Public Works (DPW) Standards for Street and Bridge Design and Construction. In the event ~~IDOT~~ DPW specifications conflict with the IDOT Standard Specifications, the most stringent specifications shall govern.

The "Standard Specifications" of the IDOT are incorporated into this chapter by reference. Two (2) copies of the "Standard Specifications" are on file and available for public inspection in the office of the division of ~~neighborhood and development services~~ planning.

Provided, however, that the standard specifications incorporated into this chapter shall be modified as follows:

Private interior streets, private interior access drives and private interior access driveways shall have a minimum width, including gutters, curbing, and off-street parallel parking spaces, if provided, of:

One-way, no parking: twelve (12) feet

One-way, parallel parking on one (1) side of the street only: twenty (20) feet

Two-way, no parking: twenty (20) feet

Two-way, parallel parking on one (1) side of the street only: twenty-seven (27) feet

Two-way, parallel parking on both sides of the street: thirty-six (36) feet

- b. Private streets, interior access drives and interior access driveways shall be privately maintained (not by governmental agencies) in good condition and free of chuckholes, standing water, weeds, dirt, trash and debris.
- c. Interior access drives and driveways shall be designed and maintained with sufficient width to provide for the passage of emergency vehicles at all times.
- d. Private streets, interior access drives and interior access driveways within any commercial zoning district may be used to provide ingress and egress to any other commercial zoning district and to any other zoning district having a less intense use, which would include all protected districts.

(d) *Requirements for recycling operations and containers:*

- (1) *Requirements for recycling center operations.* Materials permitted for collection at neighborhood recycling collection points and recycling stations as defined in section 732-217, located within a C-3, C-3C or C-4 commercial district shall include the following:

- aluminum cans
- plastics
- paper products
- tin and metal cans
- glass containers

In addition to the materials listed above, other household scrap and minor automobile parts made of aluminum, brass, copper, or steel may also be collected at these facilities in the C-3, C-3C and C-4 commercial districts. However, all materials collected for delivery to the recycling facilities in the C-3, C-3C and C-4 commercial districts shall be in amounts that allow delivery by vehicles which do not exceed a maximum load capacity of three-quarters of a ton. All deliveries that necessitate the use of vehicles in excess of this size shall be required to deliver the recyclable materials to a more intensive recycling facility. This restriction is intended to protect the community character of the C-3, C-3C and C-4 commercial districts and minimize traffic created by larger hauling vehicles.

In the C-3, C-3C and C-4 commercial districts, those collection points and recycling stations that utilize a trailer as its primary structure shall be limited to one (1) trailer per site. The facility shall be manned during all hours of operation and located during off hours. In addition to these requirements, the requirements for recycling containers (as specified in section 732-214(d)(2)) shall also apply to trailer facilities.

In addition to those requirements outlined for recycling activities in the C-3, C-3C, and C-4 districts, recycling activities permitted within the C-5, C-6, C-7 and C-ID commercial districts shall also be within a completely enclosed structure and may include the crushing or compacting of the recyclable materials in order to facilitate their handling and transport. This processing step is considered to be an incidental aspect of a recycling operation, rather than a characteristic of the use itself.

- (2) *Requirements for recycling containers.* Recycling containers as defined in section 732-217 shall be subject to the following requirements:

- a. The use or structure shall not be located within any required yard or required transitional yard or within any street right-of-way and shall meet the minimum setback requirements of the district.
- b. When the structure is an accessory use located in the parking area of the primary use, the structure shall be located completely within a striped, off-street parking space(s) on the site and shall not be within a drive or maneuvering area.
- c. A minimum of three (3) off-street parking spaces shall be provided on site. These off-street parking spaces are in addition to the required parking provided for the primary use. A suitable maneuvering area for access and turning shall also be provided as specified in Architectural Graphic Standards, Eighth Edition, Ramsey/Sleeper John Wiley and Sons, Inc., New York, New York.
- d. All recyclable materials shall be stored within a recycling container and the surrounding lot areas shall be maintained free of litter and debris on a daily basis.
- e. The recycling containers shall be clearly marked to identify the type of material which may be deposited; and the name and telephone number of the operator and the hours of operation, and shall display a notice stating that no material shall be left outside the recycling containers.
- f. The recycling container shall not reduce the amount of any required landscaping as provided by this chapter for the primary or accessory use.

- g. The recycling containers shall be emptied or exchanged with a new container at or before the time the existing container becomes completely filled.
 - h. The recycling container shall not be located within one hundred (100) feet, measured in any direction, of a dwelling district. The measurement shall be taken from the exterior of the container to the zoning boundary of the dwelling district except when such container is separated from such dwelling district by an intervening street (see section 732-217, Diagram J).
 - i. Recycling containers are prohibited as accessory structures on lots of less than ten thousand (10,000) square feet in area. Recycling containers shall be permitted as accessory uses on lots of ten thousand (10,000) square feet in area or greater provided that the combined total square footage utilized for recycling containers on the lot does not exceed one-half (1/2) of one (1) percent of the total gross square footage of the lot.
 - j. An Improvement Location Permit shall be obtained prior to the placement of the recycling container on the commercial lot.
- (e) *Requirements for temporary use structures or buildings:* Temporary use structures shall be permitted in all commercial districts, under a temporary Improvement Location Permit issued by the Administrator subject to the temporary use requirements specified below:
- (1) Temporary use structures or buildings shall comply with all setback requirements for a primary building on the site.
 - (2) Any floodlights or other lighting shall be directed upon the premises and shall not be detrimental to adjacent properties.
 - (3) A temporary Improvement Location Permit for a temporary use structure shall be valid for a maximum of eighteen (18) months. An extension of time, not to exceed one hundred eighty (180) days, may be granted by the Administrator for good cause shown. Such request for extension must be filed with the Administrator prior to the termination date of the temporary Improvement Location Permit.
 - (4) All structures, buildings, appurtenances, trash or debris associated with the temporary use structure shall be removed from the site immediately upon completion or cessation of the temporary use.
- (f) *Requirements for temporary seasonal retail sales uses:*
- (1) The use or structure must comply with all setback requirements for a primary building on the site.
 - (2) A minimum of three (3) off-street parking spaces shall be provided on-site for the temporary seasonal retail sales use. The location of the temporary seasonal retail sales uses and its required minimum reservation of off-street parking spaces shall not utilize any required off-street parking spaces for the primary/permanent use of the site.
 - (3) The location of the temporary seasonal retail sales use, and any structure associated with such use, shall be completely within a striped, off-street parking space(s) for the primary/permanent use on the site and shall not be located within a drive or maneuvering area for that primary/permanent use.
 - (4) Final site plans, showing the location of the temporary seasonal retail sales use within the site, shall be subject to Administrator's review and approval prior to the issuance of an Improvement Location Permit.
 - (5) Signs for the temporary seasonal retail sales shall comply with the regulations regarding wall signs within integrated centers contained in Chapter 734 of this Code.
- (g) *Landscaping, screening, and grounds maintenance:* Subject to the allowed uses in required yards, landscaping, screening and grounds maintenance shall be provided and maintained, for all development in all commercial districts in accordance with the following regulations:

(1) *Landscaping and screening in required yards.*

- a. All required yards shall be landscaped. The landscaping of these yards shall, at a minimum, consist of a combination of living vegetation such as trees and shrubs as specified in section 732-214(g)(1)b. and c. and grasses or ground cover materials, planted or transplanted and maintained, or preserved as existing natural vegetation areas (e.g., woods or thickets). Loose stone, rock or gravel may be used as a landscaping accent, but shall not exceed twenty (20) percent of the area of the required yard in which it is used.
- b. Landscaping and screening of the required front yard shall be provided and maintained according to the following minimum standards:

1. Landscaping in the required front yard shall consist of trees planted in accordance with one (1) of the two (2) following alternatives:

- i. If deciduous shade (overstory) trees are used:

There shall be one (1) tree planted at a maximum of every forty (40) feet on center of linear distance along all required front yards.

These required trees may be grouped together in the required front yard, however, in no case shall spacing between the trees exceed eighty (80) feet (refer to section 732-217, Diagram F); or

- ii. If deciduous ornamental (understory) trees are used:

There shall be one (1) tree planted at a maximum of every twenty-five (25) feet on center of linear distance along the required front yard.

These required trees may be grouped together in the required front yard, however, in no case shall spacing between the trees exceed fifty (50) feet (refer to section 732-217, Diagram F).

Deciduous shade trees and deciduous ornamental trees may be grouped together in the required yards, however, in no case shall spacing between a deciduous shade tree and a deciduous ornamental tree exceed fifty (50) feet.

2. Screening in the required front yard of the project may include:

- i. Wall or fence - an ornamental, decorative fence or masonry wall, not more than forty-two (42) inches in height if solid, or six (6) feet if the sight barrier is less than fifty (50) percent, may be used in conjunction with the required landscaping; or
 - ii. Berm - an earthen berm may be used in conjunction with the required landscaping. It shall be a maximum height of forty-two (42) inches, have a minimum crown width of two (2) feet, a side slope of no greater than three to one (3:1), and shall be planted and covered with live vegetation (a retaining wall may be used on one (1) side of the berm in lieu of a side slope, if desired); or
 - iii. Plant material screen - a compact hedge of evergreen or densely twigged deciduous shrubs may be used in conjunction with the required landscaping.

Provided, however, for all parking areas between the building line, as extended, and the street, there shall be provided and maintained along the front line of the parking area a screen of a minimum height of thirty-six (36) inches along a minimum of seventy-five (75) percent of the linear distance of the parking area (excluding the linear width of driveways) with a solid wall, solid fence, berm, or plant material screen. In addition, no linear open space between the above noted screening techniques shall be greater than thirty (30) feet.

The ground area between such wall, fence, berm, or plant material screen and the front proposed right-of-way line shall be planted and maintained in grass or other suitable ground cover.

A minimum of half of the required trees shall also be planted between the proposed right-of-way and the wall, fence, berm, or plant material screen.

- c. Landscaping and screening in the required side and rear yards shall be provided and maintained according to the following minimum standards:

1. Landscaping in the required side and rear yards shall consist of trees planted in accordance with one (1) of the two (2) following alternatives:

- i. If deciduous shade (overstory) trees are used:

There shall be one (1) tree planted at a maximum of every sixty (60) feet on center of linear distance along all required side and rear yards.

These required trees may be grouped together in the required side and rear yards, however, in no case shall spacing between the trees exceed eighty (80) feet (refer to section 732-217, Diagram F); or

- ii. If deciduous ornamental (understory) trees are used:

There shall be one (1) tree planted at a maximum of every forty (40) feet on center of linear distance along all required side and rear yards.

These required trees may be grouped together in the required side and rear yards, however, in no case shall spacing between the trees exceed fifty (50) feet (refer to section 732-217, Diagram F).

Deciduous shade trees and deciduous ornamental trees may be grouped together in the required yards, however, in no case shall spacing between a deciduous shade tree and a deciduous ornamental tree exceed fifty (50) feet.

2. Screening in the required side and rear yard of the project may include:

- i. Wall or fence - an ornamental, decorative fence or masonry wall up to a maximum height of ten (10) feet may be used in conjunction with the required landscaping; or

- ii. Berm - an earthen berm may be used in conjunction with the required landscaping. It shall have a maximum height of ten (10) feet, have a minimum crown width of two (2) feet, a side slope of no greater than three to one (3:1), and shall be planted and covered with live vegetation; or

- iii. Plant material screen - a compact hedge of evergreen or densely twigged deciduous shrubs may be used in conjunction with the required landscaping.

- d. All landscape plantings, architectural screens (fences, walls), shrubs, trees, structures or other objects shall permit completely unobstructed vision within a clear sight triangular area as noted in section 732-214(c).

- e. No architectural screen fronting upon or abutting a protected district shall be electrified with the intent of providing for an electrical shock if touched.

- f. Barbed wire, razor wire and similar type wires shall not be permitted within the front yard setback, or in front of any existing building in the C-1, C-2, C-3, C-3C, C-4, C-5, or C-6 commercial districts.

- g. The minimum size of all required landscape plant materials, at the time of planting, including substituting or replacement trees and shrubs, shall be as follows:

1. Deciduous shade (overstory) trees - two-and-one-half-inch caliper at six (6) inches above the ground.
2. Deciduous ornamental (understory) trees - one-and-one-half-inch caliper at six (6) inches above the ground.
3. Multi-stemmed trees - eight (8) feet in height.

4. Evergreen trees - five (5) to six (6) feet in height.
5. Deciduous or evergreen shrubs - twenty-four (24) inches in height. Shrubs are to be planted at a maximum of four (4) feet on center of linear distance along the required yard.

Except, however, shrubs used to screen parking in front of the building façade of an automotive dealership (new, used, or rental) shall be eighteen (18) inches in height.

- h. All trees and shrubs shall be planted or transplanted in accordance with the standards contained in American Standards for Nursery Stock, copyrighted in 1986 by the American Association of Nurserymen and approved May 2, 1986, by the American National Standards Institute, Inc. (a copy of which is on file in the office of the division of ~~neighborhood and development services~~ planning and is hereby incorporated by reference and made a part hereof). All trees and shrubs shall be mulched and maintained to give a clean and weed-free appearance.
 - i. In computing the number of trees to be planted in a required yard or a required transitional yard, a fraction of one-half (1/2) or greater shall be rounded up to count as an additional tree.
 - j. Existing trees may fulfill the requirements for tree planting in required yards or required transitional yards as long as the standards specified for required yards (section 732-214(g)(2)b. or c.) or required transitional yards (section 732-214(g)(3)b. or c.) are met.
 - k. The removal from any minimum required yard or any minimum required transitional yard of any existing live deciduous tree over four-inch caliper measured at four and one-half (4 1/2) feet above ground or of any existing shrub or evergreen tree over six (6) feet in height shall be prohibited except to facilitate the placement of utilities or to provide for necessary easements or drainage improvements. Removal of such tree(s) shall require the replanting of replacement tree(s) so that the total number of trees replanted equals the total number of trees removed. Replacement trees shall be of the same species as those trees removed unless approved otherwise by the Administrator. Replanting of these replacement trees shall occur within six (6) months of removal, or the next planting season, whichever occurs first.
 - l. All existing trees which are to be preserved shall be maintained without injury and with sufficient area for the root system to sustain the tree. Protective care and physical restraint barriers at the dripline, such as temporary protective fencing, shall be provided to prevent alteration, compaction or increased depth of the soil in the root system area prior to and during groundwork and construction. Heavy equipment traffic and the storage of construction equipment or materials shall not occur within the dripline of the tree.
- (2) *Landscaping and screening of required transitional yards:* Landscaping and screening of yards fronting upon or abutting a protected district shall be provided and maintained, for all development in all commercial districts in accordance with the following regulations in addition to section 732-214(g)(1)d. through k.
- a. All required transitional yards shall be landscaped. The landscaping of these yards shall, at a minimum, consist of a combination of living vegetation such as trees, shrubs, hedges, and grasses or ground cover as specified in section 732-214(g)(2)b. and c., planted or transplanted and maintained, or preserved as existing natural vegetation areas (e.g., woods or thickets). Loose stone, rock or gravel may be used as a landscaping accent, but shall not exceed twenty (20) percent of the area of the required yard in which it is used.
 - b. Landscaping and screening of required front transitional yards shall be provided and maintained according to the following minimum standards:
 1. Landscaping in front transitional yards shall consist of trees planted in accordance with the standards specified for required front yards. See section 732-214(g)(1)b.1.
 2. Screening in front transitional yards shall be provided in an open pattern to partially screen the commercial use.

Provided, however, for any parking areas between the building line, as extended, and the street, there shall be provided and maintained along the front line of the parking area a buffer screen of a minimum of one (1) of the following:

- i. Architectural screen - a wall or fence of ornamental block, brick, solid wood fencing or combination thereof. Such wall or fence shall be a maximum of forty-two (42) inches and a minimum of thirty-six (36) inches in height and shall be so constructed to such minimum height to restrict any view therethrough; or
- ii. Berm - an earthen berm shall be a maximum height of forty-two (42) inches and a minimum height of thirty-six (36) inches, a minimum crown width of two (2) feet, a side slope of no greater than three to one (3:1), and shall be planted and covered with live vegetation (a retaining wall may be used on one (1) side of the berm in lieu of a side slope, if desired).

Exception: The earthen berm may be combined with shrubs to attain the minimum height of thirty-six (36) inches.

- iii. Plant material screen - a compact hedge of evergreen or densely twigged deciduous shrubs. Such shrubs shall attain a minimum height of thirty-six (36) inches at maturity; and

The ground area between such wall, fence, berm, or hedge and the front right-of-way line shall be planted and maintained in grass or other suitable ground cover. A minimum of half of the required trees shall also be planted between the proposed right-of-way and the wall, fence, berm, or hedge.

- c. Required side and rear transitional yards shall be landscaped and have an effective screening of the commercial use.

1. Landscaping and screening required side and rear transitional yards using a solid wall or fence shall be provided and maintained according to the following minimum standards:

- i. Landscaping standards for required side or rear transitional yards using a solid wall or fence.

Trees shall be planted along all side and rear transitional yards according to the standards specified for tree planting in front required yards. See section 732-214(g)(2)b.1.

- ii. Screening standards for required side and rear transitional yards using a solid wall or fence:

- (a) The finished side of the fence shall face the protected district. Such fence or wall shall be constructed to a height of not less than six (6) feet and no more than ten (10) feet.

- (b) A berm may be used in place of a solid fence or wall so long as the berm is a minimum of six (6) feet in height to a maximum of ten (10) feet, has a minimum crown width of two (2) feet, a side slope no greater than three to one (3:1), and shall be planted and covered in live vegetation.

Exception: The earthen berm may be combined with shrubs to attain the minimum height of six (6) feet.

2. Landscaping and screening in the required side and rear transitional yards, if a solid wall or solid fence is not used, shall be provided and maintained according to one (1) of the following minimum standards:

- i. A combination of trees and shrubs:

- (a) Trees - trees shall be planted in accordance with the standards specified for required front yards (see section 732-214(g)(2)b.); and

(b) Shrubs - shrubs shall be planted so that one hundred (100) percent of the linear distance of the required transitional yard is screened. Shrubs shall be planted at a maximum of four (4) feet on center of linear distance along the required transitional yard. The shrubs shall have a minimum ultimate height of six (6) feet and shall be either evergreen or densely twigged deciduous shrubs: or

- ii. Low branching and densely twigged deciduous ornamental trees shall be planted to maintain a spacing of twelve and one-half (12 1/2) feet on center; or
- iii. Densely branched evergreen trees shall be planted to maintain a spacing of twelve and one-half (12 1/2) feet on center; or
- iv. A combination of i., ii., or iii. to be maintained so that one hundred (100) percent of the linear distance shall be screened.

Exception: Existing trees and shrubs may be used to screen commercial uses. However, required transitional yards must be supplemented where sparsely vegetated to maintain a dense visual barrier to a height of six (6) feet.

- 3. Landscaping and screening in the required side and rear transitional yards may be achieved by combining elements from 1. and 2. of this subsection, so long as the minimum standards set forth for that element utilized is satisfied.

(3) *Additional landscaping requirements - interior of parking lots:* The purpose of interior landscaping is to help reduce glare and heat buildup; to promote interior islands for pedestrian safety and traffic separation; to visually break up large expanses of pavement; and to reduce surface runoff. The interior of any parking lot shall be landscaped based on the following minimum standards:

<i>Total Number of Parking Spaces</i>	<i>Required Interior Landscaped Area</i>
Less than 100 spaces required	None required
100 or more spaces required	Minimum 15 square feet per parking space

- a. The minimum size of a required interior landscaping area shall be one hundred eight (108) square feet. No planting area shall be less than six (6) feet in dimension, measured from the inside of the permanent barrier to inside of permanent barrier, except those portions created by turning radii or angles or parking spaces (refer to section 732-217, Diagram G).
- b. Required interior landscaped areas shall be in-ground and not placed upon a pavement surface.
- c. A permanent barrier, such as curbing or wheel stops, shall enclose each interior landscaped area so as to minimize damage from vehicles, pedestrians and improve parking lot maintenance.
- d. For each twenty (20) parking spaces or fraction thereof, one (1) tree shall be provided. Trees located at the end of a parking bay shall be deciduous shade (overstory) or deciduous ornamental (understory). Trees located in any other portion of the interior landscaped area may be deciduous shade (overstory), deciduous ornamental (understory) or evergreen. The minimum size for trees shall be:
 - Two-and-one-half-inch caliper at six (6) inches above the ground at time of planting (deciduous shade (overstory)).
 - One-and-one-half-inch caliper at six (6) inches above the ground at the time of planting (deciduous ornamental (understory)).
 - Five (5) to six (6) feet in height at the time of planting (evergreen trees).
- e. Each tree shall be a minimum of two and one-half (2 1/2) feet away from the outside of any permanent barrier of a landscaped area or edge of the parking area.

- f. Hardy ground cover or grasses shall be planted to cover each interior landscaped area completely within three (3) years. All ground cover shall have a mature height of not more than two and one-half (2 1/2) feet.
- g. Space devoted to required interior landscaped areas shall be in addition to any required front, side or rear yard or required front, side or rear transitional yard.
- h. Fifty (50) percent of the required interior landscaped areas shall be installed at the end of parking bays (refer to section 732-217, Diagram G). The balance of the required interior landscaped area may be installed anywhere on the lot outside of the required front, side or rear yard or required front, side or rear transitional yard.

Exceptions to interior parking lot landscaping:

- a. The requirements of this subsection shall not apply to parking garages or parking decks.
- b. The requirements of this subsection shall not apply to the parking lots of commercial developments, legally established prior to August 2, 1993 ~~the adoption of Ordinance 92-AO-4~~, unless there is additional square footage added to the development that is equal to or in excess of fifteen (15) percent of the development, in which case the additional parking that would be required shall meet the requirements of this section for the additional square footage, but the existing parking would not be subject to these landscaping requirements.

(4) *Landscape plan requirements:* A landscape plan shall:

- a. Be drawn on a copy of the site plan (or a simplified scale drawing thereof) and show exact locations and outline of all rights-of-way (both existing and proposed by the Official Thoroughfare Plan for Marion County), structures, buildings, sidewalks and pedestrian ways, streets, trash enclosures, project access and interior access drives and driveways, individual and project storage, permanent lighting fixtures, signs, benches, screens, walls, fences, natural vegetation areas, open space, recreational areas, transitional yards, adjacent property zones, and all underground and overhead lines within areas to be landscaped (with depths or heights indicated at intervals where lines change direction or where terminals or connections are provided);
- b. Show dimensioned detailed elevation or section drawings of walls and fences;
- c. Show all existing elevations and proposed land contour lines having at least two-foot intervals;
- d. Show location and nature of existing and proposed drainage systems and their flow;
- e. Include a tree survey of required yards or required transitional yards indicating the exact location of existing trees over four-inch caliper at four and one-half (4 1/2) feet above the ground and all flowering trees, shrubs and evergreens over six (6) feet in height.
- f. Include the exact location of any existing tree two-and-one-half-inch caliper or greater at four and one-half (4 1/2) feet above the ground which will be counted as a required tree. Such trees, shrubs and evergreens shall be accurately labeled in the tree survey with species and caliper size indicated as either existing to remain or existing to be removed or transplanted.
- g. Show all proposed planting by labeling the species, size, and spacing (on center).

(5) *Grounds maintenance:* The project owner or management shall:

- a. Maintain the landscaping by keeping lawns mowed, all plants maintained as disease-free, and planting beds groomed, except in naturally occurring vegetation areas, such as thickets; and
- b. Replace any required planting(s), which are removed or die after the date of planting per the previously approved plans on file. Such replacement shall occur during the next planting season.

- (6) *Administrator approval of alternate plans:* The Administrator, upon request by the applicant, shall have the power to modify any landscape requirements and approve alternatives for those requirements as long as the alternative plan is appropriate for the site and its surroundings and is compatible and consistent with the intent of the stated standards. Such modification shall be noted on the alternative landscape plan, stamped approved by the Administrator and become a part of the file and requirements for the Improvement Location Permit.

(h) *Appeal.* In all sections of this chapter where the Administrator is given the authority of discretionary approval of plans and specifications, or the method or manner of qualification, or any other similar authority, any party of interest shall have the right to bring such action by the Administrator before the Metropolitan Development Commission for its review and approval or disapproval.

- (i) *Application of section 732-214.* This section shall be applicable to all commercial districts.

SECTION 14. Section 732-217 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 732-217. Construction of language and definitions.

(a) *Construction of language.* The language of this article shall be interpreted in accordance with the following regulations:

- (1) The particular shall control the general.
- (2) In the case of any difference of meaning or implication between the text of this article and any illustration or diagram, the text shall control.
- (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (4) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (5) A "building" or "structure" includes any part thereof.
- (6) The phrase "used for," includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- (7) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either . . . or" the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either . . . or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

(b) *Definitions.* The words in the text or illustrations of this chapter shall be interpreted in accordance with the following definitions. The illustrations and diagrams in this section provide graphic representation of the concept of a definition; the illustration or diagram is not to be construed or interpreted as a definition itself.

Access. The way by which vehicles shall have ingress to and egress from a land parcel or property and the street fronting along such property or parcel.

Access drive. That area within the right-of-way between the pavement edge or curb and the right-of-way line providing ingress and egress to and from a land parcel or property (see Diagram A).

Accessory. A subordinate structure, building or use that is customarily associated with, and is appropriately and clearly incidental and subordinate in use, size, bulk, area and height to the primary structure, building, and use, and is located on the same lot as the primary building, structure, or use.

Administrator. Administrator of the division of ~~neighborhood and development services~~ planning of the department of metropolitan development or his/her appointed representative.

Adult bookstore. An establishment having as a preponderance of its stock in trade or its dollar volume in trade, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult cabaret. A nightclub, bar, theatre, restaurant or similar establishment which frequently features live performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas or which regularly feature films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons.

Adult drive-in theatre. An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions, and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats in which a preponderance of the total presentation time is devoted to the showing of materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

Adult entertainment business. An adult bookstore, adult motion picture theatre, adult mini motion picture theatre, adult motion picture arcade, adult cabaret, adult drive-in theatre, adult live entertainment arcade or adult services establishment.

Adult live entertainment arcade. Any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to view from an enclosed or screened area or booth a series of live dance routines, strip performances or other gyrational choreography, which performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure to specified anatomical areas.

Adult mini motion picture theatre. An enclosed building with a capacity of more than five (5) but less than fifty (50) persons, used for presenting films, motion pictures, video cassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to the showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult motel. A hotel, motel or similar establishment offering public accommodations for any form of consideration which provides patrons, upon request, with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult motion picture arcade. Any place to which the public is permitted or invited wherein coin- or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

Adult motion picture theatre. An enclosed building with a capacity of fifty (50) or more persons used for presenting films, motion pictures, video cassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult service establishment. Any building, premises, structure or other facility, or part thereof, under common ownership or control which provides a preponderance of services involving specified sexual activities or display of specified anatomical areas.

Alley. Any public right-of-way which has been dedicated or deeded to and accepted by the public for public use as a secondary means of public access to a lot(s) otherwise abutting upon a public street and not intended for traffic other than public services and circulation to and from such lot(s).

Alteration. Any change in type of occupancy, or any change, addition or modification in construction of the structural members of an existing structure, such as walls, or partitions, columns, beams or girders, as well as any change in doors or windows or any enlargement to or diminution of a structure, whether it be horizontally or vertically.

Amusement arcade. A type of indoor commercial amusement/recreation establishment where more than four (4) amusement machines are available to the public.

Amusement machine. An amusement device operated by means of the insertion of a coin, token, or similar object for the purpose of entertainment, amusement or skill and for the playing of which a fee is charged. "Amusement machine" does not include vending machines which do not incorporate gaming amusement or skill features, nor does the term include any coin-operated mechanical musical device.

Amusement/recreational establishment, commercial. See (indoor/outdoor) commercial amusement/recreational establishment.

Assisted living facility. A residential facility that provides a combination of housing, social activity, supportive services, personalized assistance, and health care, designed to foster independent living, yet respond to the individual needs of those who need help with activities of daily living (ADL - For purposes of this definition this means such activities as walking, eating, dressing, bathing, toileting, and transfer between, or in and out of a chair or bed) and instrumental activities of daily living (IADL - For purposes of this definition this means activities such as doing laundry, cleaning of living areas, meal preparation, engaging in recreational or leisure activities, taking medications properly, managing money and conducting business affairs, using public transportation, writing letters, or using the telephone). Supportive services are available twenty-four (24) hours a day to meet scheduled and unscheduled needs of residents. Such facilities are not licensed as a nursing home. Facilities have single- or double-occupancy living units which contain most dwelling unit features, such as lockable units, a food preparation area, and a full bathroom facility.

Attached multifamily dwelling. See dwelling, attached multifamily.

Automated teller machine (ATM). A mechanized apparatus which performs limited banking functions for customers such as deposits, withdrawals and transfers of funds upon insertion of a customer identification card, password, or similar device.

Awning. A roof-like cover, often of fabric, metal, plastic, fiberglass or glass, designed and intended for protection from the weather or as a decorative embellishment, and which is supported and projects from a wall or roof of a structure over a window, walk, door, or the like.

Basement. That portion of a building with an interior vertical height clearance of not less than seventy-eight (78) inches and having one-half or more of its interior vertical height clearance below grade level.

Bed and breakfast. The commercial leasing of no more than four (4) bedrooms(s) for no more than eight (8) guest(s) within a private dwelling unit. Such leasing provides temporary accommodations, typically including a morning meal, to overnight guests for a fee.

Boarding house. A building, other than hotels, motels, bed and breakfasts or multifamily dwelling, containing accommodation facilities in common for up to ten (10) persons where lodging, typically with meals, reserved solely for the occupants thereof, is provided for a fee.

Buildable area. The area of a lot remaining after the minimum yard and open space requirements of the applicable zoning ordinance(s) have been met (see Diagram B).

Building. Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having a permanent roof supported by columns or walls.

Building area. The total ground area, within the lot or project, covered by the primary structure plus garages, carports and other accessory buildings. The ground area of a structure, or portion thereof, not provided with surrounding exterior walls shall be the area immediately under the vertical projection of the roof or the floor above (see Diagram B).

Canopy. A roof-like cover, often of fabric, metal, plastic, fiberglass, or glass on a support, which is supported in total or in part from the ground, providing shelter over, for example, a doorway, outside walk or parking area.

Collector street. See street, collector.

Commercial garage. See garage, commercial.

Commission. The Metropolitan Development Commission of Marion County, Indiana.

Commitment. An official agreement concerning and running with the land as recorded in the office of the Marion County Recorder.

Community center. A building used for recreational, social, educational and cultural activities of a neighborhood or community.

Comprehensive plan. The Comprehensive Plan for Marion County, Indiana, or segment thereof, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to IC 36-7-4.

Condition. An official agreement between the municipality and the petitioner concerning the use or development of the land as imposed by the Board of Zoning Appeals.

Convenience market. A retail establishment selling a limited number of food items, such as sandwiches, snacks, staple groceries, household items, lottery tickets and food items prepared on the premises, including reheating, which can be immediately consumed. Such establishments may also provide a facility where gasoline and other motor fuels are stored and subsequently dispensed by use of fixed, approved dispensing equipment by customers of the establishment on a self-service basis.

Corner lot. See lot, corner.

Covenant. A legal agreement concerning the use of land.

Crown of the street. The highest point, most often at the center line, of a street cross-section of the street pavement between the existing curb lines.

Cul-de-sac. See street, cul-de-sac.

Curb cut. The opening along the curb line, exclusive of handicap ramps, at which point vehicles may enter or leave the street (see Diagram A).

Curb line. A line located on either edge of the pavement, but within the right-of-way line (see Diagram A).

Customer service window. Opening on the exterior of a building through which customers receive goods or services in exchange for monetary compensation.

Dance studio. An establishment primarily engaged in operating and providing training, instruction, and demonstrations or recitals in various forms of dance to individuals or groups.

Day care center. Any institution or place operated for the purpose of providing:

- (1) Care;
- (2) Maintenance; or
- (3) Supervision and instruction;

to children who are less than six (6) years old and are separated from their parent(s), guardian, or custodian for more than four (4) hours but less than twenty-four (24) hours a day for ten (10) or more consecutive workdays, where tuition, fees or other forms of compensation are charged, and which is licensed by, and approved to operate as a day care center in accordance with the requirements of the State of Indiana. This definition shall not include a "day care home" of children.

Day care home. Defined in IC 12-3-2-3 as follows: A residential structure where an individual provides child care:

- (1) For compensation;
- (2) For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding holidays; and
- (3) To more than five (5) children at a time who:
 - a. Are less than eleven (11) years of age; and
 - b. Are not attended by:
 1. A parent;
 2. A stepparent;
 3. A guardian;
 4. A custodian; or
 5. A relative who is at least eighteen (18) years of age.

Day nursery. Same as day care center.

Display, outdoor. An outdoor area where merchandise is displayed for sale, and which is freely accessible to the public except that automobile retail sales areas shall be considered outdoor display areas whether freely accessible or not. Outdoor display may be the principal use of a lot or may be accessory to a commercial use (as allowed by the zoning district) when the sales transactions occur within a structure.

Dripline. The perimeter of a tree's spread measured to the outermost tips of the branches and extending downward to the ground.

Drive-in. A business establishment so developed that its retail or service character is dependant on providing a driveway approach or parking spaces for motor vehicles to service patrons while in or on the motor vehicle, rather than within a building.

Drive-through. A feature of an establishment which encourages or permits customers to receive services or obtain goods while remaining in or on a motor vehicle.

Drive-through customer window. See customer service window.

Drive-through restaurant. See restaurant, drive-through.

Driveway. Access for vehicular movement to egress/ingress between the right-of-way of private or public streets and the required building setback line (see Diagram A).

Dry cleaning plant. A facility in which the cleaning of garments, fabrics, draperies, etc., is performed with a liquid other than water. The plant is generally not visited by individual customers, but rather by individual dry cleaning dropoff establishments.

Dwelling, attached multifamily. A building or buildings for residential purposes with three (3) or more dwelling units, having common or party wall or walls, on a single lot. Each unit is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common or individual stairwell(s) exterior to any dwelling unit(s).

Dwelling unit. One (1) or more rooms connected together in a residential building or residential portion of a building, which are arranged, designed, used and intended for use by one (1) or more human beings living together as a family and maintaining a common household for owner occupancy or rental or lease on a weekly, monthly, or longer basis; and which includes lawful cooking, eating, sleeping space and sanitary facilities reserved solely for the occupants thereof.

Educational services. An establishment providing academic or technical instruction or primarily engaged in offering educational courses and services, including libraries, student exchange programs and curriculum development.

Enlargement (pertaining to adult entertainment only). An increase in the size of the building, structure or premises in which the adult entertainment business is conducted by either construction or use of an adjacent building or any portion thereof whether located on the same or an adjacent lot or parcel of land.

Erect. Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, or any other way of bringing into being or establishing.

Establishing an adult entertainment business. Shall mean and include any of the following:

- (1) The opening or commencement of any such business as a new business;
- (2) The conversion of an existing business, whether or not an adult entertainment business, to any of the adult entertainment businesses defined herein;
- (3) The relocation of any such business.

Excavation. The breaking of ground, except common household gardening, ground care and agricultural activity.

Family. One (1) or more human beings related by blood, marriage, adoption, or guardianship together with incidental domestic servants and temporary noncompensating guests; or not more than four (4) human beings not so related, occupying a dwelling unit and living as a single housekeeping unit.

Fast food restaurant. See restaurant, fast food.

Floor area, gross. The number of the square feet of horizontal floor area of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) abutting buildings.

Front lot line. See lot line, front.

Front yard. See yard, front.

Frontage (street frontage). The line of contact of a property with the street right-of-way along a lot line which allows unobstructed, direct access to the property.

Garage, commercial. Any building designed and intended for the storage or repair of motor vehicles for compensation.

Gasoline service station. Any building, land area or other premises or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; which may include as an accessory use minor automotive repairs; the sale and installation of lubricants, tires, batteries; car washes; and similar accessory uses. Such establishments shall provide a facility where gasoline and other motor fuels are stored and subsequently dispensed by use of fixed, approved dispensing equipment by customers or employees.

Grade, established street. The crown elevation of a street pavement level abutting a property (as fixed by the Department of ~~Transportation~~ Public Works).

Grade level (adjacent ground elevation). The lowest point of elevation of the finished surface of the ground, paving or sidewalk and similar surface improvements within the area between the exterior walls of a primary building or structure and the property line, or when the property line is more than ten (10) feet from such walls, between such walls and a line ten (10) feet away from and paralleling such walls.

Grocery store. A commercial establishment, commonly known as a supermarket, food or grocery store, primarily engaged in the retail sale of canned foods and dry goods, such as tea, coffee, spices, sugar, and flour; fresh fruits and vegetables; and fresh and prepared meats, fish and poultry.

Gross floor area. See floor area, gross.

Gross floor area, total. The sum of the gross horizontal areas of all floors below the roof and within the exterior faces of the exterior walls of principal and accessory buildings or the center lines of walls separating two (2) abutting buildings.

Gross leasable area. The total floor area which is designed for the tenant's occupancy and exclusive use.

Ground cover. Low-growing plants less than eighteen (18) inches in height with a spreading growth habit, such as grasses, vines, flowers, and the like.

Ground floor. That story which contains finished floor area closest to, but not below, grade level. In cases in which the only story with finished floor area is below grade level, that story with finished floor area closest to grade level shall be considered the ground floor.

Handicap ramp. See pedestrian ramp.

Hardsurfaced. Quality of an outer area being solidly constructed of pavement, brick, paving stone, or a combination thereof.

Hardware store. A commercial establishment primarily engaged in the retail sale of a number of basic hardware lines, such as tools, builders' hardware, paint and glass, housewares and household appliances, and cutlery.

Health care facility. A facility or institution, principally engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity or physical condition.

Health services. Medical, surgical or other similar services provided to individuals, including services provided by physicians, dentists, and other health practitioners, medical and dental laboratories, outpatient care facilities or blood banks.

Hedge. A row or rows of closely planted shrubs, bushes, etc., creating a vegetative barrier.

Height, building. The vertical distance above a reference line measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the height of the highest gable of a pitched or hipped roof. The reference line shall be selected by either of the following, whichever yields a greater building height:

- (1) The elevation of the highest adjoining sidewalk or ground surface within a ten-foot horizontal distance from and paralleling the exterior wall of the building or structure when such sidewalk or ground surface is not more than ten (10) feet above lowest grade;
- (2) An elevation ten (10) feet higher than the lowest grade when such sidewalk or ground surface is more than ten (10) feet above the lowest grade.

Home improvement store/center. A facility for the sale of home, lawn, and garden materials and supplies, brick, lumber, hardware items and other similar materials.

Hotel. Any building or group of buildings containing five (5) or more rooms without direct access to the outside, designed or intended to be occupied for sleeping purposes by guests for a fee, often with general kitchen and dining room facilities provided within the building or an accessory building, and which caters to the travelling public.

Indoor commercial amusement/recreation establishment. A facility wholly enclosed in a building that offers entertainment or games of skill to the general public for a fee. This includes but is not limited to such facilities as bowling alleys, billiard parlors, or arcades.

Inoperable vehicle. A motor vehicle from which there has been removed the engine, transmission or differential or that is otherwise partially dismantled or mechanically inoperable, or any motor vehicle which cannot be driven on a city street without being subject to the issuance of a traffic citation by reason of its operating condition or the lack of a valid license plate.

Integrated center. An area of development (commercial, industrial or any combination of commercial, industrial and residential uses) of one (1) or more lots, comprised of:

- (1) A number of individual, nonrelated and separately operated uses in one (1) building sharing common site facilities; or
- (2) One (1) or more buildings containing nonrelated and separately operated uses occupying a common site, which utilize one (1) or a combination of common site facilities, such as driveway entrances, parking areas, driving lanes, signs, maintenance and similar common services; or
- (3) One (1) or more buildings containing unrelated and separately operated uses occupying individual sites, which are interrelated by the utilization of one (1) or a combination of common facilities, such as driveway entrances, public or private street network, parking areas, maintenance and other services.

Interior access drive. A minor, private street providing access within the boundaries of a project beginning at the required setback line (see Diagram A).

Interior access driveway. Access for vehicular movement to egress/ingress between interior access drives connecting two (2) or more projects or land parcels (see Diagram A).

Job printer. A facility for the commercial reproduction, cutting, printing, or binding of written materials, drawings, or labels on a bulk basis using lithography, offset printing, blueprinting and similar methods.

Landscaping. Any combination of living plants, such as trees, shrubs, ground cover, thickets with grasses planted, preserved, transplanted, maintained to develop, articulate and enhance the aesthetic quality of the area as well as provide erosion and drainage control and wind protection.

Landscaping, interior. Landscaping areas consisting of a combination of trees, shrubs and ground cover located in the interior of vehicular use areas so as to provide visual and climatic relief from broad expanses of pavement and to channelize and define areas for pedestrians and vehicular circulation.

Legally established nonconforming building or structure. Any continuous, lawfully established building or structure erected or constructed prior to the time of adoption, revision or amendment, or granted a variance of the zoning ordinance, but which fails, by reason of such adoption, revision, amendment or variance, to conform to the present requirements of the zoning district.

Legally established nonconforming use. Any continuous, lawful land use having commenced prior to the time of adoption, revision or amendment or granted a variance of the zoning ordinance, but which fails, by reason of such adoption, revision, amendment, or variance to conform to the present requirements of the zoning district.

Liquor store, package. A facility principally for the retail sale of alcoholic beverages for off-premises consumption.

Loading area. An off-street area maintained and intended for the maneuvering and temporary parking of vehicles while transferring goods or materials to and from a facility.

Loading space. An off-street space or berth used for the temporary parking of a commercial vehicle while transferring goods or materials to and from a facility.

Local street. See street, local.

Lot. A tract of land designated by its owner(s) to be used or developed as a unit under single ownership or control. A lot may or may not coincide with a lot of record and may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record; or
- (3) A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record.

For purposes of this definition, ownership includes:

- (1) The person(s) who holds either fee simple title to the property or is a life tenant as disclosed in the records of the township assessor;

- (2) A contract vendee;
- (3) A long-term lessee (but only if the lease is recorded among the records of the county recorder and has at least twenty-five (25) years remaining before its expiration at the time of applying for a permit) (see Diagram C).

Lot area. The area of a horizontal plane bounded on all sides by the front, rear, and side lot lines that is available for use or development and does not include any area lying within the right-of-way of any public or private street, alley, or easement for surface access (ingress or egress) into the subject lot or adjoining lots.

Lot, corner. A lot abutting upon two (2) or more streets at their intersections, or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees (see Diagram C).

Lot, through. A lot abutting two (2) parallel streets, or abutting two (2) streets which do not intersect at the boundaries of the lot (see Diagram C).

Lot line. The legal boundary of a lot as recorded in the office of the Marion County Recorder.

Lot line, front. The lot line(s) coinciding with the street rights-of-way; in the case of a corner lot, both lot lines coinciding with the street rights-of-way shall be considered front lot lines; or in the case of a through lot, the lot line which most closely parallels the primary entrance of the primary structure shall be considered the front lot line, or so declared by the Administrator (see Diagram B).

Lot line, rear. A lot line which is opposite and most distant from the front lot line, or in the case of a triangularly shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line. However, in the case of a corner lot line, any lot line which intersects with a front lot line shall not be considered a rear lot line.

Lot line, side. Any lot line not designated as a front or rear lot line.

Lot of record. A lot which is part of a subdivision or a lot or a parcel described by metes and bounds, the description of which has been so recorded in the office of the recorder of Marion County, Indiana.

Main floor area. The area of a horizontal plane, fully bound by the exterior walls of the primary building or structure, of the floor surface at or above grade level exclusive of vent shafts, decks, garages, uncovered or covered open space.

Marginal access street. See street, marginal access.

Mini-warehouses. A building or group of buildings containing one (1) or more individual compartmentalized storage units for the inside storage of customers' goods or wares, where no unit exceeds six hundred (600) square feet in area.

Minor emergency repairs. Those maintenance repairs necessitating an immediate solution yet not posing an immediate life-safety hazard, nor altering the existing character of the structure (see alteration).

Motel. Any building or group of buildings containing five (5) or more rooms with at least twenty-five (25) percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building(s), designed or intended to be occupied for sleeping purposes by guests for a fee, where general kitchen and dining room facilities may be provided within the building or an accessory building, and which caters to the traveling public.

Mulch. A protective covering of organic substances placed around plants to control weeds and prevent evaporation of moisture or freezing. Plastic, loose gravel, stones or rocks shall not be considered as mulch.

Neighborhood recycling collection point. A site where individuals bring household recycling materials to either drop off without compensation, or to redeem the materials for monetary compensation. Beyond any limited sorting, no other processing of the material takes place at the site. All materials are stored completely within the structure while awaiting periodic shipment to the processing facilities. While these collection points may be developed as freestanding sites, they typically are accessory uses

sharing the site of a larger primary use. Possible structures for this type of operation include such recycling containers as "igloos," reverse vending machines, trailers, or similar structures.

Night club. An establishment engaged primarily in offering entertainment to the general public, in the form of music for dancing or live and recorded performances. The establishment may or may not engage in the preparation and retail sale of alcoholic beverages for consumption on the premises. For the purposes of this chapter, an establishment of a similar nature which caters to, or markets itself predominantly to, persons under twenty-one (21) years of age shall not be construed to be a night club, but rather a commercial amusement/recreation establishment.

Nonconforming adult entertainment business. Shall mean any building, structure or land lawfully occupied by an adult entertainment business or lawfully situated at the time of passage of General Ordinance 85-AO-4 44, 1984, adopted on July 9, 1984, or amendments thereto, which does not conform after the passage of that ordinance or amendments thereto with the regulations of this chapter.

Nursery, day. See day care center.

Off-street. A location completely within the boundaries of the lot, and completely off of public or private rights-of-way or alleys or any interior surface access easement for ingress and egress.

On-center. Distance at grade from the center of one (1) plant to the center of the next plant.

Outdoor commercial amusement/recreation establishment. An open area offering entertainment or games of skill to the general public for a fee. This includes but is not limited to such facilities as golf courses, swimming pools, and baseball/softball fields.

Outdoor display. See display, outdoor.

Outdoor storage. See storage, outdoor.

Parking area. An area of paving other than an open exhibition or display area, not inclusive of interior access drives, driveways, interior access driveways and access drives intended for the temporary storage of automotive vehicles including parking spaces and the area of access for the egress/ingress of automotive vehicles to and from the actual parking space (see Diagram A).

Parking bay. The parking module consisting of one (1) or two (2) rows of parking spaces and the aisle from which motor vehicles enter and leave the spaces (see Diagram A).

Parking space. An off-street portion of the parking area, which shall be used only for the temporary placement of an operable vehicle (see Diagram A).

Pavement. A layer of concrete, asphalt or coated macadam used on street, parking area, sidewalk, or airport surfacing.

Pedestrian ramp. An inclined access opening along the curb line at which point pedestrians, unassisted or assisted by a wheelchair, walker or the like, may enter or leave the street; or an incline providing pedestrians, unassisted or assisted by a wheelchair, walker or the like, access from the ground to an elevated surface.

Permitted use. Any use by right authorized in a particular zoning district or districts and subject to the restrictions applicable to that zoning district.

Personal service. Services provided involving the care of a person or his/her apparel.

Personal service establishment. A commercial establishment primarily engaged in providing services generally to individuals involving the care of a person or his/her apparel, such as laundries, photographic portrait studios, barber and beauty shops, shoe repair, tailor, travel bureaus or similar facilities.

Physically handicapped. An individual who has a physical impairment including impaired sensory, manual or speaking abilities, which results in a functional limitation in access to and use of a building or facility.

Plat. An officially recorded map, as recorded in the office of the Marion County Recorder, or a map to be recorded indicating the subdivision of land including, but not limited to, boundaries and locations of individual properties, streets, and easements.

Primary building. The building in which the permitted primary use of the lot is conducted.

Printer, job. See job printer.

Proposed right-of-way. See right-of-way, proposed.

Protected district. Specific classes of zoning districts which, because of their low intensity or the sensitive land uses permitted by them, require additional buffering and separation when abutted by certain more intense classifications of land use. For the purposes of this article, a protected district shall include any dwelling district, hospital district, parks district, university quarter district, SU-1 (church) District or SU-2 (school) District.

Rear yard. See yard, rear.

Reconstruction (pertaining to adult entertainment only). The rebuilding or restoration of any nonconforming adult entertainment business which was damaged or partially destroyed by an exercise of the power of eminent domain, or by fire, flood, wind, explosion or other calamity or act of God, if the damage or destruction exceeds two-thirds (2/3) of the value of the structure or the facilities affected.

Recreation facility. A place, area or structure designed and equipped for the conduct of sport, leisure time activities and other customary and usual recreational activities.

Recycling container. Receptacle designed and intended for the collection of cleaned, sorted, solid household waste products, including, but not limited to, glass, plastic, metal and paper.

Recycling station. A recycling operation involving further processing (relative to a neighborhood recycling collection point) of materials to improve the efficiency of subsequent hauling. Such a facility typically features sorting, the use of a crushing apparatus, and the storage of the material until it is shipped out. These businesses usually occupy existing freestanding sites, such as former gasoline stations, or occupy parts of an integrated center parking lot.

Religious use. A land use devoted primarily to divine worship together with reasonably related accessory uses, which are subordinate to and commonly associated with the primary use, which may include but are not limited to, educational, instructional, social or residential uses.

Restaurant, drive-in or drive-through. Any restaurant designed to permit or facilitate the serving of food or beverages directly to, or permitted to be consumed by, patrons in or on motor vehicles parking or stopped on the premises.

Restaurant, family. An establishment where food and drink are prepared, served and consumed primarily within the principal building to the general public. The establishment may have a separate area, or lounge, where alcoholic beverages are served without full food service, provided the area is accessory to the primary use in: 1) square feet; or 2) sales.

Restaurant, fast food. An establishment whose principal business is the sale of preprepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, on-premises or off-premises.

Resumption (pertaining to adult entertainment only). Shall mean the reuse or reoccupation of a nonconforming adult entertainment business which has been discontinued for a period of six (6) or more consecutive months.

Retail trade. Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. The establishment typically buys goods for resale to the public.

Required yard. See yard, required.

Right-of-way. Specific and particularly described strip of land, property, or interest therein devoted to and subject to the lawful use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially recorded by the office of the Marion County Recorder.

Right-of-way, private. Specific and particularly described strip of privately held land, property, or interest therein devoted to and subject to use for general transportation purposes or conveyance of

utilities whether or not in actual fact improved or actually used for such purposes, as officially recorded by the office of the Marion County Recorder.

Right-of-way, proposed. Specific and particularly described land, property, or interest therein devoted to and subject to the lawful public use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially described in the Marion County Thoroughfare Plan as adopted and amended by the Metropolitan Development Commission.

Right-of-way, public. Specific and particularly described strip of land, property, or interest therein dedicated to and accepted by the municipality to be devoted to and subject to use by the general public for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as officially recorded by the office of the Marion County Recorder.

Roof line. The uppermost edge of the water-carrying surface of a building or structure.

Satellite dish antenna. A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone or horn. Such device shall be used to transmit or receive radio or electromagnetic waves between terrestrially or orbitally based devices.

Screening. A method of visually shielding or obscuring a nearby structure, building or use on an abutting or adjacent property or lot from another by fencing, walls, berms, or densely planted vegetation.

Seasonal retail sales use, temporary. A temporary use established for a fixed period of time, for the retail sale of seasonal products, including, but not limited to, such items as food, Christmas trees, and live plants. This use may or may not involve the construction or alteration of any permanent building or structure.

Semi-public use. See use, semi-public.

Service bay. Individual area within an automobile repair or service facility where services, including but not limited to car washes, oil changes and repairs, are performed on a motor vehicle.

Services involving specified sexual activity or display of specified anatomical areas. Any combination of two (2) or more of the following activities:

- (1) The sale or display of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representation which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas;
- (2) The presentation of films, motion pictures, video cassettes, slides, or similar photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons;
- (3) The operation of coin- or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image producing devices per machine at any one (1) time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas;
- (4) Live performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas;
- (5) The operation of a massage school, massage parlor, massage therapy clinic, bathhouse, escort service, body painting studio or nude modeling studio, as these terms are defined in Chapter 911 of this Code.

Setback. The minimum horizontal distance established by ordinance between a proposed right-of-way line or a lot line and the setback line (see Diagram B).

Setback line. A line that establishes the minimum distance a building, structure, or portion thereof, can be located from a lot line or proposed right-of-way line (see Diagram B).

Shopping center. A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access and often with protection from the elements.

Shrub. A woody plant of relatively low height (not exceeding ten (10) to twelve (12) feet in height), branching from the base.

Side yard. See yard, side.

Sidewalk. A hardsurfaced walk or raised path along and often paralleling the side of the street intended for pedestrian traffic.

Sign. Any structure, fixture, placard, announcement, declaration, device, demonstration or insignia used for direction, information, identification or to advertise or promote any business, product, goods, activity, services or any interests.

Site plan. The development plan, or series of plans, drawn to scale, for one (1) or more lots on which is shown the existing and proposed location and conditions of the lot including as required by ordinance, but not limited to: topography, vegetation, drainage, floodplains, marshes, and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, buildings, structures, signs, lighting and screening devices, center lines of rights-of-way, and dimensions.

Specified anatomical areas. Any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities. Any of the following:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse or sodomy;
- (3) Fondling or other erotic touchings of human genitals, pubic regions, buttocks or female breasts;
- (4) Flagellation or torture in the context of a sexual relationship;
- (5) Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
- (6) Erotic touching, fondling or other such contact with an animal by a human being; or
- (7) Human excretion, urination, menstruation, vaginal or anal irrigation as a part of or in connection with any of the activities set forth in (1) through (6) above.

Stacking space, off-street. An area, separate from or in addition to, the required parking area, reserved for the temporary retention of vehicles which are queuing up or utilizing the services of a drive-through service unit.

Storage, outdoor. An outdoor area used for the long-term deposit (more than twenty-four (24) hours) of any goods, material, merchandise, vehicles or junk.

Storage area. An area designated, designed and intended for the purpose of reserving property for a future use and distinguished from areas used for the display of property intended to be sold or leased.

Storage room. An enclosed area integrated into and sharing a common or party wall or walls within a primary building, while designed and intended for the purpose of reserving property for a future use.

Story. That part of a building, with an open height of not less than seven (7) feet six (6) inches, except a mezzanine, included between the upper surface of one (1) floor and the lower surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall constitute a story only if it provides finished floor area.

Street, collector. A street primarily designed and intended to carry vehicular traffic movement at moderate speeds (e.g., thirty-five (35) mph) between local streets and arterials while allowing direct access to abutting property(ies) (see Diagram D).

Street, cul-de-sac. A street having only one (1) open end which is permanently terminated by a vehicle turnaround (see Diagram D).

Street, expressway. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

Street, freeway. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

Street, local. A street primarily designed and intended to carry low volumes of vehicular traffic movement at low speeds (e.g., twenty (20) to thirty (30) mph) within the immediate geographic area with direct access to abutting property(ies) (see Diagram D).

Street, marginal access. A local street with control of access auxiliary to and located on the side of an arterial, thoroughfare, expressway, or freeway for service to abutting property(ies) (see Diagram D).

Street, parkway. A street serving through vehicular traffic and equal to or more than five thousand two hundred eighty (5,280) feet in length, the adjoining land on one (1) or both sides of which is predominantly dedicated or used for park purposes, and shall conform to the comprehensive plan and the thoroughfare plan.

Street, primary. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

Street, private. A privately held right-of-way, with the exception of alleys, essentially open to the sky and open for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a right-of-way for such purposes. A private street may be comprised of pavement, shoulders, curbs, sidewalks, parking space, and the like.

Street, public. A publicly dedicated, accepted and maintained right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a public right-of-way for such purposes. A public street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and the like.

Street, secondary. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

Structural alteration. Shall mean any change which would prolong the life of the supporting members of a building or structure such as bearing walls, columns, beams or girders, except such changes as are ordered made pursuant to the provisions of the Unsafe Building Law, IC 36-7-9-1, and any amendments thereto.

Structure. A combining or manipulation of materials to form a construction, erection, alteration or affixation for use, occupancy, or ornamentation, whether located or installed on, above, or below the surface of land or water.

Subdivision. The division of any parcel of land shown as a unit, as part of a unit or as contiguous units, on the last preceding transfer of ownership thereof, into two (2) or more parcels or lots, for the purpose, whether immediate or future, of transfer of ownership or building development.

Substance abuse treatment facility. A facility, the primary function of which is to administer or dispense a schedule II controlled substance (as listed under IC 35-48-2-6(b) or (c)) to a narcotic addict for maintenance or detoxification treatment.

Tavern. An establishment used primarily for the serving of liquor by the drink to the general public, but where minors cannot be within the use, and where food or packaged liquors may be served or sold only as accessory to the primary use.

Temporary seasonal retail sales use. See seasonal use, temporary.

Temporary use. An impermanent land use established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Theatre, drive-in. An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in motor vehicles.

Theatre, motion picture. A building or part of a building which is devoted primarily to showing motion pictures to the public for a fee.

Theatre, legitimate. A building or structure or part thereof which is devoted primarily for the presentation of live dance, dramatic, musical or comedic performances.

Thoroughfare. A street primarily serving through vehicular traffic, including freeways, expressways, primary arterials, and secondary arterials.

Thoroughfare plan. The segment of the Comprehensive Plan for Marion County, Indiana, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to IC 36-7-4 that sets forth the location, alignment, dimensions, identification and classification of freeways, expressways, parkways, primary arterials, secondary arterials, or other public ways as a plan for the development, redevelopment, improvement, and extension and revision thereof.

Through lot. See lot, through.

Total gross floor area. See gross floor area, total.

Transitional yard. See yard, transitional.

Trash container. Receptacle intended for the disposal, collection or temporary storage of unsorted waste products or refuse.

Trash enclosure. An accessory structure enclosed on at least three (3) sides that is designed to screen and protect waste receptacles from view and to prevent waste debris from dispersing outside the enclosure.

Tree survey. An inventory of all trees on a lot or project before construction, alteration or excavation activity occurs identifying species, location, caliper, and dripline of trees. In the case of dense tree stands that exceed six hundred (600) square feet in area and seventy-five (75) percent branch coverage of the ground surface, the location of the outer boundary of the tree stands' dripline with a listing of the predominant species and caliper may be substituted for a detailed inventory.

Use, semi-public. A service offered by a not-for-profit organization to the general public for either no charge or a nominal fee.

Variety store. Commercial establishments primarily engaged in the retail sale of a variety of merchandise in the low price range. Sales usually are made on a cash-and-carry basis, with the open-selling method of display and customer selection of merchandise. These stores generally do not carry a complete line of merchandise, are not departmentalized, do not carry their own charge service, and generally do not deliver merchandise.

Vending machine. An automatic device which dispenses goods or services to the customer upon receipt of monetary compensation.

Walkway. A hardsurfaced walk or raised path for pedestrian traffic.

Yard, front. An open space unobstructed to the sky, extending fully across the lot while situated between the front lot line and a line parallel thereto, which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line (see Diagram B).

Yard, rear. An open space unobstructed to the sky, extending fully across the lot situated between the rear lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line (see Diagram B).

Yard, required. That portion of any yard abutting a lot line having a minimum depth as area required by the particular zoning district in which it is located.

Yard, side. An open space unobstructed to the sky, extending the length of the lot situated between a side lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the point of contact with any rear or front yards or any lot line, whichever occurs first (see Diagram B).

Yard, transitional required. That portion of any yard abutting a protected district having a minimum depth as required by the particular zoning district in which it is located and acting as a buffer between two (2) or more land uses of different intensity (see Diagram B).

SECTION 15. Sections 733-202 through 733-211 of the "Revised Code of the Consolidated City and County," inclusive, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 733-202. I-1-S Restricted Industrial Suburban District.

Statement of purpose: This district is designed for those industries which carry on their entire operation within a completely enclosed building in such a manner that no nuisance factor is created or emitted outside an enclosed building. No storage of raw materials, manufactured products, or any other materials is permitted in the nonscreened open space around the buildings. Loading and unloading berths are completely enclosed or shielded by a solid screening. This district has strict controls on the intensity of land use providing protection of each industry from the encroachment of other industries. It is usually located adjacent to protected districts and may serve as a buffer between heavier industrial districts and business or protected districts.

(a) *I-1-S development standards.*

(1) *Use.*

a. *Enclosed operations.* All operations, servicing or processing (except storage and off-street loading) shall be conducted within completely enclosed buildings.

b. *Outside storage.* All storage of materials or products shall be:

1. Within completely enclosed buildings; or
2. Effectively contained by a chain link, solid, lattice or similar type fence or wall, with ornamental, nonsolid, chain link or similar type entrance and exit gates. (Canvas may be attached to gates for effective screening.) The height of such fence or wall shall be at least six (6) feet and shall not exceed ten (10) feet. Such fence or wall shall be surrounded by trees or an evergreen hedge of a height not less than the height of such fence or wall, to be planted following the provisions for landscaping and screening of required transitional yards of section 733-211(e)(2). The storage of materials or products within the enclosure may not exceed the height of the fence.

c. *Outside storage area limitation.*

1. Total area of outside storage shall not exceed twenty-five (25) percent of the total gross floor area of enclosed structures and buildings.
2. Trash containers. Within one hundred (100) feet, measured in any direction (see section 733-213, Diagram H), of a protected district, trash containers exceeding forty-eight (48) cubic feet shall:
 - i. Be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any protected district, nor shall it be viewed from any street frontage; and
 - ii. Be located behind the established front building line; and
 - iii. Not be located within a required yard or required transitional yard unless located within a parking area which is permitted in a required yard.

Exception: This provision shall not apply if the trash container is visibly obstructed from a protected district by an intervening building or structure on

the lot, even though the trash container is located within one hundred (100) feet of a protected district.

- (2) *Required minimum.* Each lot or industrial park shall have at least seventy-five (75) feet of frontage on a street right-of-way and shall gain access from such street frontage.
- (3) *Required minimum front yards, minimum front setback.* The setback requirements of section 733-211(a) shall be provided along all street right-of-way lines, unless subject to the established setback provisions of section 733-200(a)(3)b. or c.
- (4) *Required minimum side yards, minimum side setback.* A side building setback of not less than thirty (30) feet in depth, measured from and paralleling the lot line, shall be provided unless subject to additional transitional yard requirements of section 733-202(a)(6) or (8). Provided, however, if the side lot line abuts an active railroad right-of-way or railroad spur, the building shall be permitted to abut the railroad right-of-way, unless subject to the requirement for transitional yards of section 733-202(a)(6).
- (5) *Required minimum rear yard, minimum rear setback.* A rear building setback of not less than thirty (30) feet in depth, measured from and paralleling the lot line, shall be provided unless subject to the additional transitional yard requirements of section 733-202(a)(6) or (8). Provided, however, if the rear lot line abuts an active railroad right-of-way or railroad spur, the building shall be permitted to abut the railroad right-of-way, unless subject to the requirement for transitional yards of section 733-202(a)(6).
- (6) *Required transitional yards, minimum setbacks.* Minimum front, side and rear transitional yards and setbacks. Yards fronting upon or abutting a protected district are subject to the requirements of section 733-202(a)(7) or (8) in addition to the following requirements:
 - a. Where a front yard abuts a street on the opposite side of which is a protected district, a minimum required front transitional yard and setback of not less than one hundred (100) feet, measured from and paralleling the proposed right-of-way line of the street, shall be provided unless subject to the regulations of section 733-200(a)(3)b., c. or d. In the case where a proposed right-of-way does not exist or where the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement.
 - b. Where a side or rear lot line abuts a lot line in an adjacent protected district, a required side or rear transitional yard and setback of not less than fifty (50) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line. Provided, however, additional front, side or rear setback distances for transitional yards, as specified in section 733-202(a)(8), shall be required to permit building heights exceeding twenty-two (22) feet to a maximum height of forty (40) feet (see section 733-213, Diagram A).

Exceptions:

1. Front, side or rear setback distances for transitional yards may be modified by utilizing the landscape performance standards of section 733-211(e).
 2. The transitional yard requirements of section 733-202(a)(6) shall not apply in those instances where a commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such adjoining property or abutting frontage property, although zoned as a protected district.
- (7) *Use of required yards and required transitional yards.* All required transitional yards shall be subject to the requirements of section 733-211(e) and shall remain as open space free from structures except where expressly permitted by this chapter.
- a. Required front yards may include:
 1. Pedestrian walks, entrance guard boxes, flag poles, fences, screening walls and similar appurtenant structures; and
 2. Off-street parking areas and associated maneuvering areas not exceeding ten (10) percent of the total area of the required front yard and subject to the off-street parking regulations of section 733-210.

3. Driveways, provided they are not located within twenty (20) feet of a lot line abutting a protected district.
- b. Required side and rear yards may include:
 1. Pedestrian walks, interior access driveways, entrance guard boxes, flag poles, fences, screening walls and similar appurtenant structures; and
 2. Off-street parking and loading areas, subject to the off-street parking and loading regulations of section 733-210.
 3. Driveways and interior access drives.
- c. Required front, side or rear transitional yards:
 1. May include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and
 2. Shall not include parking or loading areas, interior access drives, or outdoor display or storage areas.
- (8) *Maximum height of buildings and structures.* Forty (40) feet, subject to the exception noted in section 733-200(a)(5). Provided, however, along any required front, side or rear transitional yard, the maximum vertical height shall be:
 - a. Twenty-two (22) feet; or
 - b. Forty (40) feet if for each foot of height in excess of twenty-two (22) feet, to an absolute maximum height of forty (40) feet, one (1) additional foot setback shall be provided beyond such adjacent required front, side or rear transitional yard setback line for each foot of building or structural height above twenty-two (22) feet (see section 733-213, Diagram A).
 - c. The height of signs and sign structures shall comply with Chapter 734 of this Code.
- (9) *Signs.* Signs and sign structures shall comply with Chapter 734 of this Code.
- (10) *Off-street parking.* Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 733-210.
- (11) *Off-street loading.* Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 733-210.
- (12) *Additional development requirements.* Site and landscape plans, street requirements, recycling containers, temporary use structures or buildings, or screening, landscaping and grounds maintenance, shall be in accordance with section 733-211.
- (b) *Performance standards.*
 - (1) *Noise, vibration, odor, glare, heat.* In no case shall production or operational noise, vibration, odor, glare, or intense heat be permitted to escape beyond the lot lines.
 - (2) *Smoke, particulate matter, noxious materials.* The emission of smoke, particulate matter, or noxious or toxic gases shall conform to the standards and regulations of Chapter 511 of this Code. The standards and regulations noted in Chapter 511 of this Code for the emission of smoke, particulate matter, or noxious or toxic gases are hereby incorporated by reference and made a part hereof.
 - (3) *Fire and explosive hazards.* The storage, utilization or manufacture of all products or materials shall conform to the standards prescribed by the National Fire Protection Association. The standards prescribed by the National Fire Protection Association for the storage, utilization or manufacture of all products or material are hereby incorporated by reference and made a part hereof. Such storage, utilization or manufacturing shall not produce a hazard or endanger the public health, safety or welfare.

- (4) *Discharge of waste matter and storm drainage.* No use shall accumulate or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Health and Hospital Corporation of Marion County, Indiana; the Indiana State Board of Health; the Indiana Department of Environmental Management; or in such a manner as to endanger the public health, safety or welfare; or cause injury to property. Prior to improvement location permit issuance for any industrial use:
- a. Plans and specifications for proposed sewage disposal facilities and industrial waste treatment and disposal facilities shall be submitted to and written approval obtained from:
 - 1. Construction of public facilities - the Indiana Department of Environmental Management and the City of Indianapolis, Division of Permits Compliance; or
 - 2. Private sewage disposal systems - the Indiana State Board of Health and the Health and Hospital Corporation of Marion County, Indiana;
 - b. Written approval of proposed connection to a public sewer shall be obtained from the ~~City of Indianapolis~~, Division of Permits Compliance; and
 - c. Plans and specifications for proposed storm drainage facilities shall be submitted to and written approval obtained from the ~~City of Indianapolis~~, Division of Permits Compliance.

Sec. 733-203. I-2-S Light Industrial Suburban District.

Statement of purpose. This district is designed for those industries that typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) which extend beyond the lot lines. Outdoor operations and storage are completely screened if adjacent to protected districts, and are limited throughout the district to a percentage of the total operation. Wherever possible, this district is located between a protected district and a heavier industrial area to serve as a buffer.

(a) *I-2-S development standards.*

(1) *Use.*

- a. *Enclosed operations.* All operations, servicing or processing located within five hundred (500) feet of a protected district boundary (except storage and off-street loading) shall be conducted within completely enclosed buildings.
- b. *Outside storage.* All storage of materials or products within five hundred (500) feet of protected district boundary shall be:
 - 1. Within completely enclosed buildings, or
 - 2. Effectively contained by a chain link, solid, lattice or similar type fence or wall, with ornamental, nonsolid, chain link or similar type entrance and exit gates. (Canvas may be attached to gates for effective screening.) The height of such fence or wall shall be at least six (6) feet and shall not exceed ten (10) feet. Such fence or wall shall be surrounded by trees or an evergreen hedge of a height not less than the height of such fence or wall, to be planted following the provisions for landscaping and screening of required transitional yards of section 733-211(e)(2). The storage of materials or products within the enclosure may not exceed the height of the fence.
- c. *Outside operations and storage area limitation.*
 - 1. In no case shall the total area of outside operations and storage exceed twenty-five (25) percent of the total gross floor area of enclosed structures and buildings.
 - 2. Trash containers. Within one hundred (100) feet, measured in any direction (see section 733-213, Diagram H), of a protected district, trash containers exceeding forty-eight (48) cubic feet shall:
 - i. Be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any protected district, nor shall it be viewed from any street frontage; and

- ii. Be located behind the established front building line; and
- iii. Not be located within a required yard or required transitional yard unless located within a parking area which is permitted in a required yard.

Exception: This provision shall not apply if the trash container is visibly obstructed from a protected district by an intervening building or structure on the lot, even though the trash container is located within one hundred (100) feet of a protected district.

- d. *Private or commercial mobile radio communications, radio or television antennas.* Towers or antennas shall be subject to the following regulations:
 - 1. There shall be no height limitation, except conformity with all requirements and limitations of Chapter 735, Article I of this Code.
 - 2. Any guy anchorages shall be set back at least thirty (30) feet from any lot line.
- (2) *Required minimum street frontage.* Each lot or industrial park shall have at least seventy-five (75) feet of frontage on a street right-of-way and shall gain access from such street frontage.
- (3) *Required minimum front yards, minimum front setback.* The setback requirements of section 733-211(a) shall be provided along all street right-of-way lines, unless subject to the established setback provisions of section 733-200(a)(3)b. or c.
- (4) *Required minimum side yards, minimum side setbacks.* A side building setback of not less than thirty (30) feet in depth, measured from and paralleling the lot line, shall be provided, unless subject to the additional transitional yard requirements of section 733-203(a)(6) or (8). Provided, however, if the side lot line abuts an active railroad right-of-way or railroad spur, the building shall be permitted to abut the railroad right-of-way, unless subject to the requirement for transitional yards of section 733-203(a)(6).
- (5) *Required minimum rear yard, minimum rear setback.* A rear building setback of not less than thirty (30) feet in depth, measured from and paralleling the lot line, shall be provided unless subject to the additional transitional yard requirements of section 733-203(a)(6) or (8). Provided, however, if the rear lot line abuts an active railroad right-of-way or railroad spur, the building shall be permitted to abut the railroad right-of-way, unless subject to the requirement for transitional yards of section 733-203(a)(6).
- (6) *Required transitional yards, minimum setbacks.* Minimum front, side and rear transitional yards and setbacks. Yards fronting upon or abutting a protected district are subject to the requirements of section 733-203(a)(7) or (8) in addition to the following requirements:
 - a. Where a front yard abuts a street on the opposite side of which is a protected district, a minimum required front transitional yard and setback of not less than one hundred (100) feet, measured from and paralleling the proposed right-of-way line of the street, shall be provided, unless subject to the regulations of section 733-200(a)(3)b., c. or d. In the case where a proposed right-of-way does not exist or where the existing right-of-way line is greater, the existing right-of-way line shall be used for the setback measurement.
 - b. Where a side or rear lot line abuts a lot line in an adjacent protected district, a required side or rear transitional yard and setback of not less than fifty (50) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line. Provided, however, additional front, side or rear setback distances for transitional yards, as specified in section 733-203(a)(8), shall be required to permit building heights exceeding twenty-two (22) feet to a maximum height of fifty (50) feet (see section 733-213, Diagram A).

Exceptions:

- 1. Front, side or rear setback distances for transitional yards may be modified by utilizing the landscape performance standards of section 733-211(e).
- 2. The transitional yards requirements of section 733-203(a)(6) shall not apply in those instances where a commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such adjoining property of abutting frontage property, although zoned as a protected district.

- (7) *Use of required yards and required transitional yards.* All required transitional yards shall be subject to the requirements of section 733-211(e) and shall remain as open space free from structures except where expressly permitted by this chapter.
- a. Required front yards may include:
 - 1. Pedestrian walks, entrance guard boxes, flag poles, fences, screening walls and similar appurtenant structures; and
 - 2. Off-street parking areas and associated maneuvering areas not exceeding ten (10) percent of the total area of the required front yard and subject to the off-street parking regulations of section 733-210.
 - 3. Driveways, provided they are not located within twenty (20) feet of a lot line abutting a protected district.
 - b. Required side and rear yards may include:
 - 1. Pedestrian walks, interior access driveways, entrance guard boxes, flag poles, fences, screening walls and similar appurtenant structures; and
 - 2. Off-street parking and loading areas, subject to the off-street parking and loading regulations of section 733-210.
 - 3. Driveways and interior access drives.
 - c. Required front, side or rear transitional yards:
 - 1. May include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and
 - 2. Shall not include parking or loading areas, interior access drives, or outdoor display or storage areas.
- (8) *Maximum height of buildings and structures.* Fifty (50) feet, subject to the exceptions noted in section 733-200(a)(5). Provided, however, along any required front, side or rear transitional yard, the maximum vertical height shall be:
- a. Twenty-two (22) feet; or
 - b. Fifty (50) feet if for each foot of height in excess of twenty-two (22) feet, to an absolute maximum height of fifty (50) feet, one (one) additional foot setback shall be provided beyond such adjacent required front, side or rear transitional yard setback line for each foot of building or structural height above twenty-two (22) feet (see section 733-213, Diagram A).
 - c. The height of signs and sign structures shall comply with Chapter 734 of this Code.
- (9) *Signs.* Signs and sign structures shall comply with Chapter 734 of this Code.
- (10) *Off-street parking.* Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 733-210.
- (11) *Off-street loading.* Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 733-210.
- (12) *Additional development requirements.* Site and landscape plans, street requirements, recycling containers, temporary use structures or buildings, or screening, landscaping and grounds maintenance, shall be in accordance with section 733-211.
- (b) *Performance standards.*
- (1) *Smoke, particulate matter, noxious materials.* The emission of smoke, particulate matter, or noxious or toxic gases shall conform to the standards and regulations of Chapter 511 of this Code. The standards and regulations noted in Chapter 511 of this Code for the emission of

smoke, particulate matter, or noxious or toxic gases are hereby incorporated by reference and made part hereof.

- (2) *Vibration.* No use shall cause earth vibrations or concussions beyond the lot lines, endangering the public health, safety or welfare, or causing injury to property.
- (3) *Odor.* No use shall emit across the lot lines odorous matter in such quantities as to endanger the public health, safety or welfare, or cause injury to property.
- (4) *Noise.* No use shall emit sound beyond the lot lines in such a manner or intensity as to endanger the public health, safety or welfare, or cause injury to property.
- (5) *Glare and heat.* No use shall produce heat or glare of such intensity beyond the lot lines as to endanger the public health, safety or welfare, or cause injury to property.
- (6) *Fire and explosive hazards.* The storage, utilization or manufacture of all products or materials shall conform to the standards prescribed by the National Fire Protection Association. The standards prescribed by the National Fire Protection Association for the storage, utilization or manufacture of all products or material are hereby incorporated by reference and made a part hereof. Such storage, utilization or manufacturing shall not produce a hazard or endanger the public health, safety or welfare.
- (7) *Discharge of waste matter and storm drainage.* No use shall accumulate or discharge beyond lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Health and Hospital Corporation of Marion County, Indiana; the Indiana State Board of Health; the Indiana Department of Environmental Management; or in such a manner as to endanger the public health, safety or welfare, or cause injury to property. Prior to improvement location permit issuance for any industrial use:
 - a. Plans and specifications for proposed sewage disposal facilities and industrial waste treatment and disposal facilities shall be submitted to and written approval obtained from:
 1. Construction of public facilities - the Indiana Department of Environmental Management and the City of Indianapolis, Division of Permits Compliance; or
 2. Private sewage disposal systems - the Indiana State Board of Health and the Health and Hospital Corporation of Marion County, Indiana;
 - b. Written approval of proposed connection to a public sewer shall be obtained from the City of Indianapolis, Division of Permits Compliance; and
 - c. Plans and specifications for proposed storm drainage facilities shall be submitted to and written approval obtained from the City of Indianapolis, Division of Permits Compliance.

Sec. 733-204. I-3-S Medium Industrial Suburban District.

Statement of purpose. This district is designed as an intermediate district for industries which are heavier in character than those permitted in the Light Industrial Suburban District but which are not of the heaviest industrial types. Because of the nature of these industries, that district is located away from protected districts and buffered by lighter industrial districts. Where this district abuts protected districts, setbacks are large and enclosure of activities and storage is required.

- (a) *I-3-S development standards.*
 - (1) *Use.*
 - a. *Enclosed operations.* All operations, servicing or processing located within five hundred (500) feet of a protected district boundary (except storage and off-street loading) shall be conducted within completely enclosed buildings.

- b. *Outside storage.* All storage of materials or products within five hundred (500) feet of a protected district boundary shall be:

1. Within completely enclosed buildings; or
2. Effectively contained by a chain link, solid, lattice or similar type fence or wall (with ornamental, nonsolid, chain link or similar type entrance and exit gates). (Canvas may be attached to gates for effective screening.) The height of such fence or wall shall be at least six (6) feet and shall not exceed ten (10) feet. Such fence or wall shall be surrounded by trees or an evergreen hedge of a height not less than the height of the fence or wall, to be planted following the provisions for landscaping and screening of required transitional yards of section 733-211(e)(2). The storage of materials or products within the enclosure may not exceed the height of the fence.

- c. *Outside operations and storage area limitation.*

1. In no case shall the total area of outside operations and storage exceed fifty (50) percent of the total gross floor area of enclosed structures and buildings.
2. Trash containers. Within one hundred (100) feet, measured in any direction (see section 733-213, Diagram H), of a protected district, trash containers exceeding forty-eight (48) cubic feet shall:
 - i. Be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any protected district, nor shall it be viewed from any street frontage; and
 - ii. Be located behind the established front building line; and
 - iii. Not be located within a required yard or required transitional yard unless located within a parking area which is permitted in a required yard.

Exception: This provision shall not apply if the trash container is visibly obstructed from a protected district by an intervening building or structure on the lot, even though the trash container is located within one hundred (100) feet of a protected district.

- d. *Private or commercial mobile radio communications, radio or television antennas.* Towers or antennas shall be subject to the following regulations:

1. There shall be no height limitation, except conformity with all requirements and limitations of Chapter 735, Article I of this Code.
2. Any guy anchorages shall be set back at least thirty (30) feet from any lot line.

- e. *Motor truck terminals.* Motor truck terminals shall be subject to the following exception: The parking of trucks or trailers shall not be defined or construed as outside storage in computing permitted outside storage and operations within this district.

- (2) *Required minimum street frontage.* Each lot or industrial park shall have at least seventy-five (75) feet of frontage on a street right-of-way and shall gain access from such street frontage.
- (3) *Required minimum front yards, minimum front setback.* The setback requirements of section 733-211(a) shall be provided along all street right-of-way lines, unless subject to the established setback provisions of section 733-200(a)(3)b. or c.
- (4) *Required minimum side yards, minimum side setbacks.* A side building setback of not less than thirty (30) feet in depth, measured from and paralleling the lot line, shall be provided, unless subject to the additional transitional yard requirements of section 733-204(a)(6) or (8). Provided, however, if the side lot line abuts an active railroad right-of-way or railroad spur, the building shall be permitted to abut the railroad right-of-way, unless subject to the requirement for transitional yards of section 733-204(a) (6).
- (5) *Required minimum rear yard, minimum rear setback.* A rear building setback of not less than thirty (30) feet in depth, measured from and paralleling the lot line, shall be provided, unless subject to the additional transitional yard requirements of section 733-204(a)(6) or (8).

Provided, however, if the rear lot line abuts an active railroad right-of-way or railroad spur, the building shall be permitted to abut the railroad right-of-way, unless subject to the requirement for transitional yards of section 733-204(a)(6).

- (6) *Required transitional yards, minimum setbacks.* Minimum front, side and rear transitional yards and setbacks - Yards fronting upon or abutting a protected district are subject to the requirements of section 733-204(a)(7) and (8) in addition to the following requirements:

- a. Where a front yard abuts a street on the opposite side of which is a protected district, a minimum required front transitional yard and setback of not less than one hundred fifty (150) feet, measured from and paralleling the proposed right-of-way line of the street, shall be provided, unless subject to the regulations of section 733-200(a)(3)b., c. or e. In the case where a proposed right-of-way does not exist or where the existing right-of-way line is greater, the existing right-of-way line shall be used for the setback measurements.
- b. Where a side or rear lot line abuts a lot line in an adjacent protected district, a required side or rear transitional yard and setback of not less than one hundred (100) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line. Provided, however, additional front, side or rear setback distances for transitional yards, as specified in section 733-204(a)(8), shall be required to permit building heights exceeding thirty-five (35) feet (see section 733-213, Diagram A).

Exceptions:

1. Front, side or rear setback distances for transitional yards may be modified by utilizing the landscape performance standards of section 733-211(e);
 2. The transitional yard requirements of section 733-204(a)(6) shall not apply in those instances where a commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such adjoining property or abutting frontage property, although zoned as a protected district.
- (7) *Use of required yards and required transitional yards.* All required transitional yards shall be subject to the requirements of section 733-211(e) and shall remain as open space free from structures except where expressly permitted by this chapter.

- a. Required front yards may include:

1. Pedestrian walks, entrance guard boxes, flag poles, fences, screening walls and similar appurtenant structures; and
2. Off-street parking areas not exceeding ten (10) percent of the total area of the required front yard and subject to the off-street parking regulations of section 733-210.
3. Driveways, provided they are not located within twenty (20) feet of a lot line abutting a district.

- b. Required side and rear yards may include:

1. Pedestrian walks, interior access driveways, entrance guard boxes, flag poles, fences, screening walls and similar appurtenant structures; and
2. Off-street parking and loading areas, subject to the off-street parking and loading regulations of section 733-210;
3. Driveways and interior access drives.

- c. Required front, side or rear transitional yards:

1. May include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and
2. Shall not include parking or loading areas, interior access drives, or outdoor display or storage areas.

- (8) *Maximum height of buildings and structures.* Along any required front, side, or rear transitional yard, the maximum vertical height shall be:

- a. Thirty-five (35) feet; or
- b. For each foot of height in excess of thirty-five (35) feet, one (1) additional foot setback shall be provided beyond such adjacent required front, side or rear transitional yard setback line for each foot of building or structural height above thirty-five (35) feet (see section 733-213, Diagram A).

Subsections a. and b. above are subject to the exceptions noted in section 733-200(a)(5).

- c. The height of signs and sign structures shall comply with Chapter 734 of this Code.
- (9) *Signs.* Signs and sign structures shall comply with Chapter 734 of this Code.
- (10) *Off-street parking.* Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 733-210.
- (11) *Off-street loading.* Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 733-210.
- (12) *Additional development requirements.* Site and landscape plans, street requirements, recycling containers, temporary use structures or buildings, or screening, landscaping and grounds maintenance shall be in accordance with section 733-211.

(b) *Performance standards.*

- (1) *Smoke, particulate matter, noxious materials.* The emission of smoke, particulate matter, or noxious or toxic gases shall conform to the standards and regulations of Chapter 511 of this Code. The standards and regulations noted in Chapter 511 of this Code for the emission of smoke, particulate matter, or noxious or toxic gases are hereby incorporated by reference and made a part hereof.
- (2) *Vibration.* No use shall cause earth vibrations or concussions beyond the lot lines, endangering the public health safety or welfare, or cause injury to property.
- (3) *Odor.* No use shall emit across the lot lines odorous matter in such quantities as to endanger the public health, safety or welfare, or cause injury to property.
- (4) *Noise.* No use shall emit sound beyond the lot lines in such a manner or intensity as to endanger the public health, safety or welfare, or cause injury to property.
- (5) *Glare and heat.* No use shall produce heat or glare of such intensity beyond the lot lines as to endanger public health, safety or welfare, or cause injury to property.
- (6) *Fire and explosive hazards.* The storage, utilization or manufacture of all products or materials shall conform to the standards prescribed by the National Fire Protection Association. The standards prescribed by the National Fire Protection Association for the storage, utilization or manufacture of all products or materials are hereby incorporated by reference and made a part hereof. Such storage, utilization or manufacturing shall not produce a hazard or endanger the public health, safety or welfare.
- (7) *Discharge of waste matter.* No use shall accumulate or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Health and Hospital Corporation of Marion County, Indiana; the Indiana State Board of Health; the Indiana Department of Environmental Management; or in such a manner as to endanger the public health, safety or welfare, or cause injury to property.

Prior to improvement location permit issuance for any industrial use:

- a. Plans and specifications for proposed sewage disposal facilities and industrial waste treatment and disposal facilities, shall be submitted to and written approval obtained from:

1. Construction of public facilities - the Indiana Department of Environmental Management and the City of Indianapolis, Division of Permits Compliance; or
2. Private sewage disposal systems - the Indiana State Board of health and the Health and Hospital Corporation of Marion County, Indiana;
- b. Written approval of proposed connection to a public sewer shall be obtained from the City of Indianapolis, Division of Permits Compliance; and
- c. Plans and specifications for proposed storm drainage facilities shall be submitted to and written approval obtained from the City of Indianapolis, Division of Permits Compliance.

Sec. 733-205. I-4-S Heavy Industrial Suburban District.

Statement of purpose. This district is designed for those heavy industrial uses which are typically characterized by certain factors which would be exceedingly difficult, expensive or impossible to eliminate. These industries are therefore buffered by sufficient area to minimize any detrimental aspects. The development standards and performance standards reflect the recognition of these problems. Wherever practical, this district is removed as far as possible from protected districts and buffered by intervening lighter industrial districts.

(a) *I-4-S development standards.*

(1) *Use.*

- a. *Outside operations and storage area limitation.* In no case shall the total area of outside operations and storage exceed seventy-five (75) percent of the lot area, provided, however, outside operations and storage shall not be permitted within any required yard or required transitional yard (see section 733-213, Diagram I).
 1. The maximum vertical height of equipment and materials stored shall be twenty (20) feet.
 2. All such equipment and storage shall, at all times, be effectively screened by the fencing and buffer planting required by section 733-205(a)(6) and section 733-211(e).
 3. Trash containers. Within one hundred (100) feet, measured in any direction (see section 733-213, Diagram H), of a protected district, trash containers exceeding forty-eight (48) cubic feet shall:
 - i. Be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any protected district, nor shall it be viewed from any street frontage; and
 - ii. Be located behind the established front building line; and
 - iii. Not be located within a required yard or required transitional yard unless located within a parking area which is permitted in a required yard.

Exception: This provision shall not apply if the trash container is visibly obstructed from a protected district by an intervening building or structure on the lot, even though the trash container is located within one hundred (100) feet of a protected district.

- b. *Private or commercial mobile radio communications, radio or television antennas.* Towers or antennas shall be subject to the following regulations:
 1. There shall be no height limitation, except conformity with all requirements and limitations of Chapter 735, Article I of this Code.
 2. Any guy anchorages shall be set back at least thirty (30) feet from any lot line.

- c. *Motor truck terminals.* Motor truck terminals shall be subject to the following exception: The parking of trucks or trailers shall not be defined or construed as outside storage in computing permitted outside storage and operations within this district.
- (2) *Required minimum street frontage.* Each lot or industrial park shall have at least seventy-five (75) feet of frontage on a street right-of-way and shall gain access from such street frontage.
- (3) *Required minimum front yards, minimum front setback.* The setback requirements of section 733-211(a) shall be provided along all street right-of-way lines, unless subject to the established setback provisions of section 733-200(a)(3)b. or c.
- (4) *Required minimum side yards, minimum side setbacks.* A side building setback of not less than thirty (30) feet in depth, measured from and paralleling the lot line, shall be provided, unless subject to the additional transitional yard requirements of section 733-205(a)(6) or (8). Provided, however, if the side lot line abuts an active railroad right-of-way or railroad spur, the building shall be permitted to abut the railroad right-of-way, unless subject to the requirement for transitional yards of section 733-205(a)(6).
- (5) *Required minimum rear yard, minimum rear setback.* A rear building setback of not less than thirty (30) feet in depth, measured from and paralleling the lot line, shall be provided, unless subject to the additional transitional yard requirements of section 733-205(a)(6) or (8). Provided, however, if the rear lot line abuts an active railroad right-of-way or railroad spur, the building shall be permitted to abut the railroad right-of-way, unless subject to the requirement for transitional yards of section 733-205(a)(6).
- (6) *Required transitional yards, minimum setbacks.* Minimum front, side and rear transitional yards and setbacks - Yards fronting upon or abutting a protected district are subject to the requirements of section 733-205(a)(7) and (8) in addition to the following requirements:
- a. Where a front yard abuts a street on the opposite side of which is a protected district, a minimum required front transitional yard and setback of not less than two hundred (200) feet, measured from and paralleling the proposed right-of-way line of the street, shall be provided, unless subject to the regulations of section 733-200(a)(3)b., c., or e. In the case where a proposed right-of-way does not exist or where the existing right-of-way line is greater, the existing right-of-way line shall be used for the setback measurements.
- b. Where a side or rear lot line abuts a lot line in an adjacent protected district, a required side or rear transitional yard and setback of not less than one hundred fifty (150) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line.
- Exceptions:
1. Front, side or rear setback distances for transitional yards may be modified by utilizing the landscape performance standards of section 733-211(e).
2. The transitional yard requirements of section 733-205(a)(6) shall not apply in those instances where a commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such adjoining property or abutting frontage property, although zoned as a protected district.
- (7) *Use of required yards and required transitional yards.* All required transitional yards shall be subject to the requirements of section 733-211(e) and shall remain as open space free from structures except where expressly permitted by this chapter.
- a. Required front yards may include:
1. Pedestrian walks, entrance guard boxes, flag poles, fences, screening walls and similar appurtenant structures; and
2. Off-street parking areas not exceeding ten (10) percent of the total area of the required front yard and subject to the off-street parking regulations of section 733-210.
3. Drives, provided they are not located within thirty (30) feet of a lot line abutting a protected district.

- b. Required side and rear yards may include:
 - 1. Pedestrian walks, interior access driveways, entrance guard boxes, flag poles, fences, screening walls and similar appurtenant structures; and
 - 2. Off-street parking and loading areas, subject to the off-street parking and loading regulations of section 733-210;
 - 3. Driveways and interior access drives.
 - c. Required front, side or rear transitional yards:
 - 1. May include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and
 - 2. Shall not include parking or loading areas, interior access drives, or outdoor display or storage areas.
- (8) *Maximum height of buildings and structures.* Along any required front, side or rear transitional yard, the maximum vertical height shall be:
- a. Thirty-five (35) feet; or
 - b. For each foot in height in excess of thirty-five (35) feet, one (1) additional foot setback shall be provided beyond such required front side or rear transitional yard setback line for each foot of building or structural height above thirty-five (35) feet (see section 733-213, Diagram A).
 - c. Subsections a. and b. above are subject to the exceptions noted in section 733-200(a)(5).
- Provided, however, the height of signs and sign structures shall comply with Chapter 734 of this Code.
- (9) *Signs.* Signs and sign structures shall comply with Chapter 734 of this Code.
- (10) *Off-street parking.* Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 733-210.
- (11) *Off-street loading.* Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 733-210.
- (12) *Additional development requirements.* Site and landscape plans, street requirements, recycling containers, temporary use structures or buildings, or screening, landscaping and grounds maintenance, shall be in accordance with section 733-211.
- (b) *Performance standards.*
- (1) *Smoke, particulate matter, noxious materials.* The emission of smoke, particulate matter, or noxious or toxic gases shall conform to the standards and regulations of Chapter 511 of this Code. The standards and regulations noted in Chapter 511 of this Code for the emission of smoke, particulate matter, or noxious or toxic gases are hereby incorporated by reference and made a part hereof.
 - (2) *Vibration.* No use shall cause earth vibrations or concussions beyond the lot lines, endangering the public health, safety or welfare, or causing injury to property.
 - (3) *Odor.* No use shall emit across the lot lines odorous matter in such quantities as to endanger the public health, safety or welfare, or cause injury to property.
 - (4) *Noise.* No use shall emit sound beyond the lot lines in such a manner or intensity as to endanger the public health, safety or welfare, or cause injury to property.
 - (5) *Glare and heat.* No use shall produce heat or glare of such intensity beyond the lot lines as to endanger the public health, safety or welfare, or cause injury to property.

- (6) *Fire and explosive hazards.* The storage, utilization or manufacture of all products or materials shall conform to the standards prescribed by the National Fire Protection Association. The standards prescribed by the National Fire Protection Association for the storage, utilization or manufacture of all products or materials are hereby incorporated by reference and made a part hereof. Such storage, utilization or manufacturing shall not produce a hazard or endanger the public health, safety or welfare.
- (7) *Discharge of waste matter.* No use shall accumulate or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Health and Hospital Corporation of Marion County, Indiana; the Indiana State Board of Health; the Indiana Department of Environmental Management; or in such manner as to endanger the public health, safety or welfare, or cause injury to property. Prior to improvement location permit issuance for any industrial use:
 - a. Plans and specifications for proposed sewage disposal facilities and industrial waste treatment and disposal facilities shall be submitted to and written approval obtained from:
 1. Construction of public facilities - the Indiana Department of Environmental Management and the City of Indianapolis, Division of Permits Compliance; or
 2. Private sewage disposal systems - the Indiana State Board of Health and the Health and Hospital Corporation of Marion County, Indiana;
 - b. Written approval of proposed connection to a public sewer shall be obtained from the City of Indianapolis, Division of Permits Compliance; and
 - c. Plans and specifications for proposed storm drainage facilities shall be submitted to and written approval obtained from the City of Indianapolis, Division of Permits Compliance.

Sec. 733-206. I-1-U Restricted Industrial Urban District regulations.

Statement of purpose. This district is intended for the same general uses as the I-1-S District. It is planned, however, for use within the existing developed urban area characterized by small lots, outmoded or obsolescent industrial buildings, erratic or partial land development. In addition, certain industrial and residential areas within redevelopment projects or adjacent to new interstate freeways are suitable for the I-1-U classification. In order to stabilize existing establishments and districts, and to give impetus to future growth of older as well as new districts, these regulations are designed to permit improvement of the typical long-standing central city industrial areas without deterring expansion and new construction. In order to retain high character in this district, all operations must be contained within enclosed structures, except storage which must be completely screened.

(a) *I-1-U development standards.*

(1) *Use.*

- a. *Enclosed operations.* All operations, servicing or processing (except storage and off-street loading) shall be conducted within completely enclosed buildings.
- b. *Outside storage.* All storage of materials or products shall be:
 1. Within completely enclosed buildings; or
 2. Effectively contained by a chain link, solid, lattice or similar type fence or wall, with ornamental, nonsolid, chain link or similar type entrance and exit gates. (Canvas may be attached to gates for effective screening.) The height of such fence or wall shall be at least six (6) feet and shall not exceed ten (10) feet. Such fence or wall shall be surrounded by trees or an evergreen hedge of a height not less than the height of such fence or wall, to be planted following the provisions for landscaping and screening of required transitional yards of section 733-211(e)(2). The storage of materials or products within the enclosure may not exceed the height of the fence.
- c. *Outside storage area limitation.*
 1. Total area of outside storage shall not exceed twenty-five (25) percent of the total gross floor area of enclosed structures and buildings.

2. Trash containers. Within one hundred (100) feet, measured in any direction (see section 733-213, Diagram H), of a protected district, trash containers exceeding forty-eight (48) cubic feet shall:

- i. Be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any protected district, nor shall it be viewed from any street frontage; and
- ii. Be located behind the established front building line; and
- iii. Not be located within a required yard or required transitional yard unless located within a parking area which is permitted in a required yard.

Exception: This provision shall not apply if the trash container is visibly obstructed from a protected district by an intervening building or structure on the lot, even though the trash container is located within one hundred (100) feet of a protected district.

- (2) *Required minimum street frontage.* Each lot or industrial park shall have at least thirty-five (35) feet of frontage on a street right-of-way and shall gain access from such street frontage.
- (3) *Required minimum front yards, minimum front setback.* The setback requirements of section 733-211(a) shall be provided along all street right-of-way lines unless subject to the established setback provisions of section 733-200(a)(3)b. or c.
- (4) *Required minimum side yards, minimum side setbacks.* A side building setback of not less than ten (10) feet in depth, measured from and paralleling the lot line, shall be provided, unless subject to the additional transitional yard requirements of section 733-206(a)(6) or (8). Provided, however, if the side lot line abuts an active railroad right-of-way or railroad spur, the building shall be permitted to abut the railroad right-of-way, unless subject to the requirement for transitional yards of section 733-206(a)(6).
- (5) *Required minimum rear yard, minimum rear setback.* A rear building setback of not less than ten (10) feet in depth, measured from and paralleling the lot line, shall be provided, unless subject to the additional transitional yard requirements of section 733-206(a)(6) or (8). Provided, however, if the rear lot line abuts an active railroad right-of-way or railroad spur, the building shall be permitted to abut the railroad right-of-way, unless subject to the requirement for transitional yards of section 733-206(a)(6).
- (6) *Required transitional yards, minimum setbacks.* Minimum front, side and rear transitional yards and setbacks - Yards fronting upon or abutting a protected district are subject to the requirements of section 733-206(a)(7) and (8) in addition to the following requirements:
 - a. Where a front yard abuts a street on the opposite side of which is a protected district, a minimum required front transitional yard and setback of not less than thirty (30) feet, measured from and paralleling the proposed right-of-way line of the street, shall be provided, unless subject to the regulations of section 733-200(a)(3)b., c., e. In the case where a proposed right-of-way does not exist or where the existing right-of-way line is greater, the existing right-of-way line shall be used for the setback measurements.
 - b. Where a side or rear lot line abuts a lot line in an adjacent protected district, a required side or rear transitional yard and setback of not less than thirty (30) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line. Provided, however, additional front, side or rear setback distances for transitional yards, as specified in section 733-206(a)(8), shall be required to permit building heights exceeding twenty-two (22) feet to a maximum height of forty (40) feet (see section 733-213, Diagram A).

Exceptions:

1. Front, side or rear setback distances for transitional yards may be modified by utilizing the landscape performance standards of section 733-211(e).
2. The transitional yard requirements of section 733-206(a)(6) shall not apply in those instances where a commercial or industrial use, legally established by permanent

variance or lawful nonconforming use, exists upon such adjoining property or abutting frontage property, although zoned as a protected district.

- (7) *Use of required yards and required transitional yards.* All required transitional yards shall be subject to the requirements of section 733-211(e) and shall remain as open space free from structures except where expressly permitted by this chapter.
- a. Required front yards may include:
 - 1. Pedestrian walks, entrance guard boxes, flag poles, fences, screening walls and similar appurtenant structures; and
 - 2. Driveways, provided they are not located within twenty (20) feet of a lot line abutting a protected district.
 - b. Required side and rear yards may include:
 - 1. Pedestrian walks, interior access driveways, entrance guard boxes, flag poles, fences, screening walls and similar appurtenant structures; and
 - 2. Off-street parking and loading areas, subject to the off-street parking and loading regulations of section 733-210;
 - 3. Driveways and interior access drives.
 - c. Required front, side and rear transitional yards:
 - 1. May include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and
 - 2. Shall not include parking or loading areas, interior access drives, or outdoor display or storage areas.
- (8) *Maximum height of buildings and structures.* Forty (40) feet subject to the exceptions noted in section 733-200(a)(5). Provided, however, along any required front, side or rear transitional yard, the maximum vertical height shall be:
- a. Twenty-two (22) feet; or
 - b. Forty (40) feet if for each foot of height in excess of twenty-two (22) feet, to an absolute maximum height of forty (40) feet, one (1) additional foot setback shall be provided beyond such adjacent required front, side or rear transitional yard setback line for each foot of building or structural height above twenty-two (22) feet (see section 733-213, Diagram A).
 - c. The height of signs and sign structures shall comply with Chapter 734 of this Code.
- (9) *Signs.* Signs and sign structures shall comply with Chapter 734 of this Code.
- (10) *Off-street parking.* Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 733-210.
- (11) *Off-street loading.* Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 733-210.
- (12) *Additional development requirements.* Site and landscape plans, street requirements, recycling containers, temporary use structures or buildings, or screening, landscaping and grounds maintenance, shall be in accordance with section 733-211.
- (b) *Performance standards.*
- (1) *Noise, vibration, odor, glare, heat.* In no case shall production or operational noise, vibration, odor, glare, or intense heat be permitted to escape beyond the lot lines.
 - (2) *Smoke, particulate matter, noxious material.* The emission of smoke, particulate matter, or noxious or toxic gases shall conform to the standards and regulations of Chapter 511 of this

Code. The standards and regulations noted in Chapter 511 of this Code for the emission of smoke, particulate matter, or noxious or toxic gases are hereby incorporated by reference and made a part hereof.

- (3) *Fire and explosive hazards.* The storage, utilization or manufacture of all products or materials shall conform to the standards prescribed by the National Fire Protection Association. The standards prescribed by the National Fire Protection Association for the storage, utilization or manufacture of all products or materials are hereby incorporated by reference and made a part hereof. Such storage, utilization or manufacturing shall not produce a hazard or endanger the public health, safety or welfare.
- (4) *Discharge of waste matter and storm drainage.* No use shall accumulate or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Health and Hospital Corporation of Marion County, Indiana; the Indiana State Board of Health; the Indiana Department of Environmental Management; or in such a manner as to endanger the public health, safety or welfare; or cause injury to property. Prior to improvement location permit issuance for any industrial use:
 - a. Plans and specifications for proposed sewage disposal facilities and industrial waste treatment and disposal facilities, shall be submitted to and written approval obtained from:
 1. Construction of public facilities - the Indiana Department of Environmental Management and the City of Indianapolis, Division of Permits Compliance; or
 2. Private sewage disposal systems - the Indiana State Board of Health and the Health and Hospital Corporation of Marion County, Indiana;
 - b. Written approval of proposed connection to a public sewer shall be obtained from the ~~City of Indianapolis~~, Division of Permits Compliance; and
 - c. Plans and specifications for proposed storm drainage facilities shall be submitted to and written approval obtained from ~~City of Indianapolis~~, Division of Permits Compliance.

Sec. 733-207. I-2-U Light Industrial Urban District.

Statement of purpose. This district is designed for those industries that typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) which extend beyond the lot lines. Outdoor operations and storage are completely screened if adjacent to protected districts, and are limited throughout the district to a percentage of the total operation. Wherever possible, this district is located between a protected district and a heavier industrial area to serve as a buffer zone. This district has been established for application to the older industrial districts within the central city and specifically provides for the use of shallow industrial lots.

- (a) *I-2-U development standards.*
 - (1) *Use.*
 - a. *Enclosed operations.* All operations, servicing or processing located within three hundred (300) feet of a protected district boundary (except storage and off-street loading) shall be conducted within a completely enclosed building.
 - b. *Outside storage.* All storage of materials or products within three hundred (300) feet of a protected district boundary shall be:
 1. Within completely enclosed buildings; or
 2. Effectively contained by a chain link, solid, lattice or similar type fence or wall, with ornamental, nonsolid, chain link or similar type entrance and exit gates. (Canvas may be attached to gates for effective screening.) The height of such fence or wall shall be at least six (6) feet and shall not exceed ten (10) feet. Such fence or wall shall be surrounded by trees or an evergreen hedge of a height not less than the height of such fence or wall, to be planted following the provisions for landscaping and screening of required transitional yards of section 733-211(e)(2). The storage of materials or products within the enclosure may not exceed the height of the fence.

c. *Outside operations and storage limitation.*

1. In no case shall the total area of outside operations and storage exceed twenty-five (25) percent of the total gross floor area of enclosed structures and buildings.
2. Trash containers. Within one hundred (100) feet, measured in any direction (see section 733-213, Diagram H), of a protected district, trash containers exceeding forty-eight (48) cubic feet shall:
 - i. Be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any protected district, nor shall it be viewed from any street frontage; and
 - ii. Be located behind the established front building line; and
 - iii. Not be located within a required yard or required transitional yard unless located within a parking area which is permitted in a required yard.

Exception: This provision shall not apply if the trash container is visibly obstructed from a protected district by an intervening building or structure on the lot, even though the trash container is located within one hundred (100) feet of a protected district.

d. *Private or commercial mobile radio communications, radio or television antennas.* Towers or antennas shall be subject to the following regulations:

1. There shall be no height limitation, except conformity with all requirements and limitations of Chapter 735, Article I of this Code.
 2. Any guy anchorages shall be set back at least thirty (30) feet from any lot line.
- (2) *Required minimum street frontage.* Each lot or industrial park shall have at least thirty-five (35) feet of frontage on a street right-of-way and shall gain access from such street frontage.
- (3) *Required minimum front yards, minimum front setback.* The setback requirements of section 733-211(a) shall be provided along all street right-of-way lines unless subject to the established setback provisions of section 733-200(a)(3)b. or c.
- (4) *Required minimum side yards, minimum side setbacks.* A side building setback of not less than ten (10) feet in depth, measured from and paralleling the lot line, shall be provided, unless subject to the additional transitional yard requirements of section 733-207(a)(6) or (8). Provided, however, if the side lot line abuts an active railroad right-of-way or railroad spur, the building shall be permitted to abut the railroad right-of-way, unless subject to the requirement for transitional yards of section 733-207(a)(6).
- (5) *Required minimum rear yards, minimum rear setbacks.* A rear building setback of not less than ten (10) feet in depth, measured from and paralleling the lot line, shall be provided, unless subject to the additional transitional yard requirements of section 733-207(a)(6) or (8). Provided, however, if the rear lot line abuts an active railroad right-of-way or railroad spur, the building shall be permitted to abut the railroad right-of-way, unless subject to the requirements for transitional yards of section 733-207(a)(6).
- (6) *Required transitional yards, minimum setbacks.* Minimum front, side and rear transitional yards and setbacks - Yards fronting upon or abutting a protected district are subject to the requirements of section 733-207(a)(7) or (8) in addition to the following requirements:
- a. Where a front yard abuts a street on the opposite side of which is a protected district, a minimum required front transitional yard and setback of not less than thirty (30) feet in depth, measured from and paralleling the proposed right-of-way line of the street, shall be provided, unless subject to the regulations of section 733-200(a)(3)b., c., or e. In the case where a proposed right-of-way does not exist or where the existing right-of-way line is greater, the existing right-of-way line shall be used for the setback measurement.
 - b. Where a side or rear lot line abuts a lot line in an adjacent protected district, a required side or rear transitional yard and setback of not less than thirty (30) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot

line. Provided, however, additional front, side or rear setback distances for transitional yards, as specified in section 733-207(a)(8), shall be required to permit building heights exceeding twenty-two (22) feet to a maximum height of fifty (50) feet (see section 733-213, Diagram A).

Exceptions:

1. Front, side or rear setback distances for transitional yards may be modified by utilizing the landscape performance standards of section 733-211(e).
 2. The transitional yard requirements of section 733-207(a)(6) shall not apply in those instances where a commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such adjoining property or abutting frontage property, although zoned as a protected district.
- (7) *Use of required yards and required transitional yards.* All required transitional yards shall be subject to the requirements of section 733-211(e) and shall remain as open space free from structures except where expressly permitted by this chapter.
- a. Required front yards may include:
 1. Pedestrian walks, entrance guard boxes, flag poles, fences, screening walls and similar appurtenant structures; and
 2. Driveways, provided they are not located within twenty (20) feet of a lot line abutting a protected district.
 - b. Required side and rear yards may include:
 1. Pedestrian walks, interior access driveways, entrance guard boxes, flag poles, fences, screening walls, and similar appurtenant structures; and
 2. Off-street parking and loading areas, subject to the off-street parking and loading regulations of section 733-210;
 3. Driveways and interior access drives.
 - c. Required front, side or rear transitional yards:
 1. May include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and
 2. Shall not include parking or loading areas, interior access drives, or outdoor display or storage areas.
- (8) *Maximum height of buildings and structures.* Fifty (50) feet, subject to the exceptions noted in section 733-200(a)(5). Provided, however along any required front, side or rear transitional yard, the maximum vertical height shall be:
- a. Twenty-two (22) feet; or
 - b. Fifty (50) feet if for each foot of height in excess of twenty-two (22) feet, to an absolute maximum height of fifty (50) feet (not to exceed two (2) stories), one (1) additional foot setback shall be provided beyond such adjacent required front, side or rear transitional yard setback line for each foot of building or structural height above twenty-two (22) feet (see section 733-213, Diagram A).
 - c. The height of signs and sign structures shall comply with Chapter 734 of this Code.
- (9) *Signs.* Signs and sign structures shall comply with Chapter 734 of this Code.
- (10) *Off-street parking.* Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 733-210.
- (11) *Off-street loading.* Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 733-210.

- (12) *Additional development requirements.* Site and landscape plans, street requirements, recycling containers, temporary use structures or buildings, or screening, landscaping and grounds maintenance, shall be in accordance with section 733-211.
- (b) *I-2-U performance standards.*
- (1) *Smoke, particulate matter, noxious materials.* The emission of smoke, particulate matter, or noxious or toxic gases shall conform to the standards and regulations of Chapter 511 of this Code. The standards and regulations noted in Chapter 511 of this Code for the emission of smoke, particulate matter, or noxious or toxic gases are incorporated by reference and made part hereof.
- (2) *Vibration.* No use shall cause earth vibrations or concussions beyond the lot lines, endangering the public health, safety or welfare, or causing injury to property.
- (3) *Odor.* No use shall emit across the lot lines odorous matter in such quantities as to endanger the public health, safety or welfare, or cause injury to property.
- (4) *Noise.* No use shall emit sound beyond the lot lines in such a manner or intensity as to endanger the public health, safety, or welfare, or cause injury to property.
- (5) *Glare.* No use shall produce heat or glare of such intensity beyond the lot lines as to endanger the public health, safety, or welfare, or cause injury to property.
- (6) *Fire and explosive hazards.* The storage, utilization or manufacture of all products or materials shall conform to the standards prescribed by the National Fire Protection Association. The standards prescribed by the National Fire Protection Association for the storage, utilization or manufacture of all products or materials are hereby incorporated by reference and made a part hereof. Such storage, utilization or manufacturing shall not produce a hazard or endanger the public health, safety or welfare.
- (7) *Discharge of waste matter and storm drainage.* No use shall accumulate or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Health and Hospital Corporation of Marion County, Indiana; and the Indiana State Board of Health; the Indiana Department of Environmental Management; or in such a manner as to endanger the public health, safety or welfare; or cause injury to property. Prior to improvement location permit issuance for any industrial use:
- a. Plans and specifications for proposed sewage disposal facilities and industrial waste treatment and disposal facilities shall be submitted to and written approval obtained from:
1. Construction of public facilities - the Indiana Department of Environmental Management and the City of Indianapolis, Division of Permits Compliance; or
2. Private sewage disposal systems - the Indiana State Board of Health and the Health and Hospital Corporation of Marion County, Indiana;
- b. Written approval of proposed connection to a public sewer shall be obtained from the City of Indianapolis, Division of Permits Compliance; and
- c. Plans and specifications for proposed storm drainage facilities shall be submitted to and written approval obtained from the City of Indianapolis, Division of Permits Compliance.

Sec. 733-208. I-3-U Medium Industrial Urban District.

Statement of purpose. This district is designed as an intermediate central city district for industries which are heavier in character than those permitted in the Light Industrial Urban District but which are not of the heaviest industrial types. Because of the nature of these industries, the district will be located away from protected districts and buffered by lighter industrial districts. Where this district abuts protected districts, setbacks are large and enclosure of activities and storage is required.

(a) *I-3-U development standards.*

(1) *Use.*

a. *Enclosed operations.* All operations, servicing, or processing located within three hundred (300) feet of a protected district boundary (except storage and off-street loading) shall be conducted within completely enclosed buildings.

b. *Outside storage.* All storage of materials or products within three hundred (300) feet of a protected district boundary shall be:

1. Within completely enclosed buildings; or
2. Effectively contained by a chain link, solid, lattice or similar type fence or wall, with ornamental nonsolid, chain link or similar type entrance and exit gates. (Canvas may be attached to gates for effective screening.) The height of such fence or wall shall be at least six (6) feet and shall not exceed ten (10) feet. Such fence or wall shall be surrounded by trees or an evergreen hedge of a height not less than the height of such fence or wall, to be planted following the provisions for landscaping and screening of required transitional yards of section 733-211(e)(2). The storage of materials or products within the enclosure may not exceed the height of the fence.

c. *Outside operations and storage area limitation.*

1. In no case shall the total area of outside operations and storage exceed fifty (50) percent of the total gross floor area of enclosed structures and buildings.
2. Trash containers. Within one hundred (100) feet, measured in any direction (see section 733-213, Diagram H), of a protected district, trash containers exceeding forty-eight (48) cubic feet shall:
 - i. Be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any protected district, nor shall it be viewed from any street frontage; and
 - ii. Be located behind the established front building line; and
 - iii. Not be located within a required yard or required transitional yard unless located within a parking area which is permitted in a required yard.

Exception: This provision shall not apply if the trash container is visibly obstructed from a protected district by an intervening building or structure on the lot, even though the trash container is located within one hundred (100) feet of a protected district.

d. *Private or commercial mobile radio communications, radio or television antennas.* Towers or antennas shall be subject to the following regulations:

1. There shall be no height limitation, except conformity with all requirements and limitations of Chapter 735, Article I of this Code.
2. Any guy anchorages shall be set back at least thirty (30) feet from any lot line.

e. *Motor truck terminals.* Motor truck terminals shall be subject to the following exception: The parking of trucks or trailers shall not be defined or construed as outside storage in computing permitted outside storage and operations within this district.

(2) *Required minimum street frontage.* Each lot or industrial park shall have at least thirty-five (35) feet of frontage on a street right-of-way and shall gain access from such street frontage.

(3) *Required minimum front yards, minimum front setback.* The setback requirements of section 733-211(a) shall be provided along all street right-of-way lines unless subject to the established setback provisions of section 733-200(a)(3)b. or c.

(4) *Required minimum side yards, minimum side setbacks.* A side building setback of not less than ten (10) feet in depth, measured from and paralleling the lot line, shall be provided, unless

subject to the additional transitional yard requirements of section 733-208(a)(6) or (8). Provided, however, if the side lot line abuts an active railroad right-of-way or railroad spur, the building shall be permitted to abut the railroad right-of-way, unless subject to the requirement for transitional yards of section 733-208(a)(6).

- (5) *Required minimum rear yard, minimum rear setback.* A rear building setback of not less than ten (10) feet in depth, measured from and paralleling the lot line, shall be provided, unless subject to the additional transitional yard requirements of section 733-208(a)(6) or (8). Provided, however, if the rear lot line abuts an active railroad right-of-way or railroad spur, the building shall be permitted to abut the railroad right-of-way, unless subject to the requirement for transitional yards of section 733-208(a)(6).
- (6) *Required transitional yards, minimum setbacks.* Minimum front, side and rear transitional yards and setbacks - Yards fronting upon or abutting a protected district are subject to the requirements of section 733-208(a)(7) and (8) in addition to the following requirements:
 - a. Where a front yard abuts a street on the opposite side of which is a protected district, a minimum required front transitional yard and setback of not less than forty (40) feet, measured from and paralleling the proposed right-of-way line of the street, shall be provided, unless subject to the regulations of section 733-200(a)(3)b., c., or e. In the case where a proposed right-of-way does not exist or where the existing right-of-way line is greater, the existing right-of-way line shall be used for the setback measurements.
 - b. Where a side or rear lot line abuts a lot line in an adjacent protected district, a required side or rear transitional yard and setback not less than forty (40) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line. Provided, however, additional front, side or rear setback distances for transitional yards, as specified in section 733-208(a)(8), shall be required to permit building heights exceeding thirty-five (35) feet (see section 733-213, Diagram A).

Exceptions:

1. Front, side or rear setback distances for transitional yards may be modified by utilizing the landscape performance standards of section 733-211(e).
 2. The transitional yard requirements of section 733-208(a)(6) shall not apply in those instances where a commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such adjoining property or abutting frontage property, although zoned as a protected district.
- (7) *Use of required yards and required transitional yards.* All required transitional yards shall be subject to the requirements of section 733-211(e) and shall remain as open space free from structures except where expressly permitted by this chapter.
- a. Required front yards may include:
 1. Pedestrian walks, entrance guard boxes, flag poles, fences, screening walls and similar appurtenant structures; and
 2. Driveways, provided they are not located within twenty (20) feet of a lot line abutting a protected district.
 - b. Required side and rear yards may include:
 1. Pedestrian walks, interior access driveways, entrance guard boxes, flag poles, fences, screening walls and similar appurtenant structures; and
 2. Off-street parking and loading areas, subject to the off-street parking and loading regulations of section 733-210;
 3. Driveways and interior access drives.
 - c. Required front, side or rear transitional yards:
 1. May include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and

2. Shall not include parking or loading areas, interior access drives, or outdoor display or storage areas.
- (8) *Maximum height of buildings and structures.* Along any required front, side or rear transitional yard, the maximum vertical height shall be:
 - a. Thirty-five (35) feet; or
 - b. For each foot of height in excess of thirty-five (35) feet, one (1) additional foot setback shall be provided beyond such required front, side or rear transitional yard setback line for each foot of building or structural height above thirty-five (35) feet (see section 733-213, Diagram A). Subsections a. and b. above are subject to the exceptions noted in section 733-200(a)(5).
 - c. The height of signs and sign structures shall comply with Chapter 734 of this Code.
- (9) *Signs.* Signs and sign structures shall comply with Chapter 734 of this Code.
- (10) *Off-street parking.* Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 733-210.
- (11) *Off-street loading.* Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 733-210.
- (12) *Additional development requirements.* Site and landscape plans, street requirements, recycling containers, temporary use structures or buildings, or screening, landscaping and grounds maintenance, shall be in accordance with section 733-211.
- (b) *I-3-U performance standards.*
 - (1) *Smoke, particulate matter, noxious materials.* The emission of smoke, particulate matter, or noxious or toxic gases shall conform to the standards and regulations of Chapter 511 of this Code. The standards and regulations noted in Chapter 511 of this Code for the emission of smoke, particulate matter, or noxious or toxic gases are hereby incorporated by reference and made a part hereof.
 - (2) *Vibration.* No use shall cause earth vibrations or concussions beyond the lot lines, endangering the public health, safety or welfare, or causing injury to property.
 - (3) *Odor.* No use shall emit across the lot lines odorous matter in such quantities as to endanger the public health, safety or welfare, or cause injury to property.
 - (4) *Noise.* No use shall emit sound beyond the lot lines in such a manner or intensity as to endanger the public health, safety or welfare, or cause injury to property.
 - (5) *Glare and heat.* No use shall produce heat or glare of such intensity beyond the lot lines as to endanger the public health, safety or welfare, or cause injury to property.
 - (6) *Fire and explosive hazards.* The storage, utilization or manufacture of all products or materials shall conform to the standards prescribed by the National Fire Protection Association. The standards prescribed by the National Fire Protection Association for the storage, utilization or manufacture of all products or materials are hereby incorporated by reference and made a part hereof. Such storage, utilization or manufacturing shall not produce a hazard or endanger the public health, safety or welfare.
 - (7) *Discharge of waste matter and storm drainage.* No use shall accumulate or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Health and Hospital Corporation of Marion County, Indiana; the Indiana State Board of Health; the Indiana Department of Environmental Management; or in such a manner as to endanger the public health, safety or welfare, or cause injury to property. Prior to improvement location permit issuance for any industrial use:
 - a. Plans and specifications for proposed sewage disposal facilities and industrial waste treatment and disposal facilities shall be submitted to and written approval obtained from:

1. Construction of public facilities - the Indiana Department of Environmental Management and the City of Indianapolis, Division of ~~Permits~~ Compliance; or
2. Private sewage disposal systems - the Indiana State Board of Health and the Health and Hospital Corporation of Marion County, Indiana;
- b. Written approval of proposed connection to a public sewer shall be obtained from the ~~City of Indianapolis~~, Division of ~~Permits~~ Compliance; and
- c. Plans and specifications for proposed storm drainage facilities shall be submitted to and written approval obtained from the ~~City of Indianapolis~~, Division of ~~Permits~~ Compliance.

Sec. 733-209. I-4-U Heavy Industrial Urban District.

Statement of purpose. This district is designed for those heavy industrial uses within the central city which are typically characterized by certain factors which would be exceedingly difficult, expensive or impossible to eliminate, and should be buffered by sufficient area to minimize any detrimental aspects. The development standards and performance standards reflect the recognition of these problems. Wherever practical, this district is removed as far as possible from protected districts and buffered by intervening lighter industrial districts.

(a) *I-4-U development standards.*

(1) *Use.*

- a. *Outside operations and storage area limitation.* In no case shall the total area of outside operations and storage exceed seventy-five (75) percent of the lot area, provided, however, outside operations and storage shall not be permitted within any required yard or required transitional yard (see section 733-213, Diagram I).
 1. The maximum vertical height of equipment and materials stored shall be twenty (20) feet.
 2. All such equipment and storage shall, at all times, be effectively screened by the fencing and buffer planting required by section 733-209(a)(6) or section 733-213(e).
 3. Trash containers. Within one hundred (100) feet, measured in any direction (see section 733-213, Diagram H), of a protected district, trash containers exceeding forty-eight (48) cubic feet shall:
 - i. Be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any protected district, nor shall it be viewed from any street frontage; and
 - ii. Be located behind the established front building line; and
 - iii. Not be located within a required yard or required transitional yard unless located within a parking area which is permitted in a required yard.

Exception: This provision shall not apply if the trash container is visibly obstructed from a protected district by an intervening building or structure on the lot, even though the trash container is located within one hundred (100) feet of a protected district.

- b. *Private or commercial mobile radio communications, radio or television antennas.* Towers or antennas shall be subject to the following regulations:
 1. There shall be no height limitation, except conformity with all requirements and limitations of Chapter 735, Article I of this Code.
 2. Any guy anchorages shall be set back at least thirty (30) feet from any lot line.
- c. *Motor truck terminals.* Motor truck terminals shall be subject to the following exception: The parking of trucks or trailers shall not be defined or construed as outside storage in computing permitted outside storage and operations within this district.

- (2) *Required minimum street frontage.* Each lot or industrial park shall have at least thirty-five (35) feet of frontage on a street right-of-way and shall gain access from such street frontage.
- (3) *Required minimum front yards, minimum front setback.* The setback requirements of section 733-211(a) shall be provided along all street right-of-way lines unless subject to the established setback provisions of section 733-200(a)(3)b. or c.
- (4) *Required minimum side yards, minimum side setbacks.* A side building setback of not less than twenty (20) feet in depth, measured from and paralleling the lot line, shall be provided, unless subject to the additional transitional yards requirements of section 733-209(a)(6) or (8). Provided, however, if the side lot line abuts an active railroad right-of-way or railroad spur, the building shall be permitted to abut the railroad right-of-way, unless subject to the requirement for transitional yards of section 733-209(a)(6).
- (5) *Required minimum rear yards, minimum rear setbacks.* A rear building setback of not less than twenty (20) feet in depth, measured from and paralleling the lot line, shall be provided, unless subject to the additional transitional yard requirements of section 733-209(a)(6) or (8). Provided, however, if the rear lot line abuts an active railroad right-of-way or railroad spur, the building shall be permitted to abut the railroad right-of-way, unless subject to the requirement for transitional yards of section 733-209(a)(6).
- (6) *Required transitional yards, minimum setbacks.* Minimum front, side and rear transitional yards and setbacks - Yards fronting upon or abutting a protected district are subject to the requirements of section 733-209(a)(7) and (8) in addition to the following requirements:
 - a. Where a front yard abuts a street on the opposite side of which is a protected district, a minimum required front transitional yard and setback of not less than fifty (50) feet, measured from and paralleling the proposed right-of-way line of the street, shall be provided, unless subject to the regulations of section 733-200(a)(3)b., c. or e. In the case where a proposed right-of-way does not exist or where the existing right-of-way line is greater, the existing right-of-way line shall be used for the setback measurements.
 - b. Where a side or rear lot line abuts a lot line in an adjacent protected district, a required side or rear transitional yard and setback of not less than fifty (50) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line.

Exceptions:

 1. Front, side or rear setback distances for transitional yards may be modified by utilizing the landscape performance standards of section 733-211(e).
 2. The transitional yard requirements of section 733-209(a)(6) shall not apply in those instances where a commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such adjoining property or abutting frontage property, although zoned as a protected district.
- (7) *Use of required yards and required transitional yards.* All required transitional yards shall be subject to the requirements of section 733-211(e) and shall remain as open space free from structures except where expressly permitted by this chapter.
 - a. Required front yards may include:
 1. Pedestrian walks, entrance guard boxes, flag poles, fences, screening walls and similar appurtenant structures; and
 2. Driveways, provided they are not located within twenty (20) feet of a lot line abutting a protected district.
 - b. Required side and rear yards may include:
 1. Pedestrian walks, interior access driveways, entrance guard boxes, flag poles, fences, screening walls and similar appurtenant structures; and
 2. Off-street parking and loading areas, subject to the off-street parking and loading regulations of section 733-210;

3. Driveways and interior access drives.
- c. Required front, side or rear transitional yards:
 1. May include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and
 2. Shall not include parking or loading areas, interior access drives, or outdoor display or storage areas.
- (8) *Minimum height of buildings and structures.* Along any required front, side or rear transitional yard, the maximum vertical height shall be:
 - a. Thirty-five (35) feet; or
 - b. For each foot of height in excess of thirty-five (35) feet, one (1) additional foot setback shall be provided beyond such required front side or rear transitional yard setback line for each foot of building or structural height above thirty-five (35) feet (see section 733-213, Diagram A). Subsections a. and b. above are subject to the exceptions noted in section 733-200(a)(5). Provided, however, the height of signs and sign structures shall comply with Chapter 734 of this Code.
- (9) *Signs.* Signs and sign structures shall comply with Chapter 734 of this Code.
- (10) *Off-street parking.* Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 733-210.
- (11) *Off-street loading.* Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 733-210.
- (12) *Additional development requirements.* Site and landscape plans, street requirements, recycling containers, temporary use structures or buildings, or screening, landscaping and grounds maintenance, shall be in accordance with section 733-211.
- (b) *Performance standards.*
 - (1) *Smoke, particulate matter, noxious materials.* The emission of smoke, particulate matter, or noxious or toxic gases shall conform to the standards and regulations of Chapter 511 of this Code. The standards and regulations noted in Chapter 511 of this Code for the emission of smoke, particulate matter, or noxious or toxic gases are hereby incorporated by reference and made a part hereof.
 - (2) *Vibration.* No use shall cause earth vibrations or concussions beyond the lot lines, endangering the public health, safety or welfare, or causing injury to property.
 - (3) *Odor.* No use shall emit across the lot lines odorous matter in such quantities as to endanger the public health, safety or welfare, or cause injury to property.
 - ~~(3)~~(4) *Noise.* No use shall emit sound beyond the lot lines in such a manner or intensity as to endanger the public health, safety or welfare, or cause injury to property.
 - (5) *Glare and heat.* No use shall produce heat or glare of such intensity beyond the lot lines as to endanger the public health, safety or welfare, or cause injury to property.
 - (6) *Fire and explosive hazards.* The storage, utilization or manufacture of all products or materials shall conform to the standards prescribed by the National Fire Protection Association. The standards prescribed by the National Fire Protection Association for the storage, utilization or manufacture of all products or materials are hereby incorporated by reference and made a part hereof. Such storage, utilization or manufacturing shall not produce a hazard or endanger the public health, safety or welfare.
 - (7) *Discharge of waste matter and storm drainage.* No use shall accumulate or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Health and Hospital Corporation of Marion County, Indiana; the Indiana State Board of Health; the Indiana Department of Environmental Management; or in such a

manner as to endanger the public health, safety or welfare; or cause injury to property. Prior to improvement location permit issuance for any industrial use:

- a. Plans and specifications for proposed sewage disposal facilities and industrial waste treatment and disposal facilities shall be submitted to and written approval obtained from:
 1. Construction of public facilities - the Indiana Department of Environmental Management and the City of Indianapolis, Division of ~~Permits~~ Compliance; or
 2. Private sewage disposal systems - the Indiana State Board of Health and the Health and Hospital Corporation of Marion County, Indiana;
- b. Written approval of proposed connection to a public sewer shall be obtained from the ~~City of Indianapolis~~, Division of ~~Permits~~ Compliance; and
- c. Plans and specifications for proposed storm drainage facilities shall be submitted to and written approval obtained from the ~~City of Indianapolis~~, Division of ~~Permits~~ Compliance.

Sec. 733-210. Off-street parking and loading regulations.

(a) General provisions.

- (1) *Application of regulations.* The off-street parking and loading provisions of this chapter shall apply as follows:

- a. *Buildings, structures, uses hereafter established -- Exception permits previously issued.* For all buildings and structures erected and all uses of land established after the effective date of this chapter, accessory parking and loading areas shall be provided in accordance with the regulations of this section. However, where improvement location and building permits have been issued prior to the effective date of this chapter, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion (but such time period not to exceed two (2) years after the issuance of such building permit), parking and loading spaces in the amounts required for issuance of such permits may be provided in lieu of any different amounts required by the off-street parking and loading regulations of this chapter.
- b. *Buildings, structures, uses existing or hereafter established -- Increased intensity of use.* When the intensity of use of any legally established building, structure or premises (existing on the effective date of this chapter or hereafter established) is increased resulting in a net increase of gross floor area or any other unit of measurement specified herein for determining required parking or loading spaces, parking spaces and loading spaces as required herein shall be provided for such increase in intensity of use. However, no building or structure lawfully erected, or use lawfully established, prior to the effective date of this chapter shall be required to provide such additional parking spaces or loading spaces, unless and until the aggregate increase in any unit of measurement specified herein for determining required parking spaces or loading areas causes an increase in the required number of parking spaces or loading areas that equals fifteen (15) percent or more of the number of parking spaces or loading spaces existing on the effective date of this chapter, in which event parking spaces and loading spaces as required herein shall be provided for the total increase.
- c. *Change of use.* Whenever the type of use of a building, structure or premises is hereafter changed to a new type of use permitted by this chapter, parking spaces and loading spaces shall be provided as required for such new type of use, subject to the exception noted in section 733-210(a)(1)b.

- (2) *Existing parking areas or loading areas.* Required accessory off-street parking areas or loading areas in existence on the effective date of this chapter shall not hereafter be reduced below, or if already less than, shall not be further reduced below, the requirement for such use as would be required for such use as a new use of a building, structure or premises under the provisions of this chapter.

- (3) *New or expanded parking areas or loading areas.* Nothing in this chapter shall prevent the establishment of, or expansion of the amount of, parking areas or loading areas to serve any existing use of land or building, provided that all regulations herein governing the location, design, landscaping, construction and operation of such areas shall be adhered to.

- (4) *Damage or destruction.* For any nonconforming uses and structures or buildings which are hereafter damaged or partially destroyed by fire or other naturally occurring disaster, provided the damage or destruction does not exceed two-thirds (2/3) of the gross floor area of the building, structure or facilities affected, and which is reconstructed, off-street parking and loading spaces equivalent to those maintained at the time of such damage or partial destruction shall be restored and continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading spaces in excess of those required by this chapter for equivalent new use or construction.
 - (5) *Control of off-site parking areas.* In cases where accessory parking areas are permitted on land other than the lot on which the building or use served is located, such areas shall be in the same control as the lot occupied by the building or use to which the parking areas are accessory.
 - (6) *Submission of site plan.* Any application for an improvement location permit shall include a site plan, drawn to scale and fully dimensioned, complying with all requirements of Chapter 730, Article III of this Code. Such site plan shall further demonstrate compliance with all applicable standards of this chapter.
 - (7) *Computation.* In determining the minimum required number of off-street parking spaces or loading spaces, when a computation of required parking spaces or loading spaces results in a fraction of one-half (1/2) or greater, the number of required parking spaces or loading spaces shall be rounded up to the next whole number.
- (b) *Off-street parking regulations.* Off-street parking areas for motor vehicles shall be provided for all uses in the industrial districts in accordance with the following regulations, in addition to the requirements of section 733-210(a):
- (1) *Common or combined off-street accessory parking areas.* Common or combined off-street accessory parking areas for separate uses may be provided to serve two (2) or more primary buildings or uses, provided the total number of spaces so provided is not less than the sum of the separate requirements for each such use, and provided that all regulations governing location of accessory parking areas, in relation to the use served are adhered to.
 - (2) *Minimum parking lot and parking spaces dimensions.*
 - a. The interior access drives, interior access driveways, drives, driveways, entrances, exits, aisles, bays and traffic circulation for parking lots shall be designed and constructed at not less than the recommended specifications contained in Architectural Graphic Standards, Eighth Edition, Ramsey/Sleeper, John Wiley and Sons, Inc., New York, New York. The recommended specifications noted in Architectural Graphic Standards for access drives, interior access driveways, drives, driveways, entrances, aisles, bays and traffic circulation for parking lots are hereby incorporated into this chapter by reference and made a part hereof; except that minimum parking space (or stall) dimensions shall be provided as set forth below.
 - b. Each off-street parking space shall have, regardless of angle of parking, a usable parking space dimension measuring not less than nine (9) feet in width (measured perpendicularly from the sides of the parking space) and not less than eighteen (18) feet in length.

Exception: All parking spaces reserved for the use of physically handicapped persons shall have a usable parking space dimension measuring not less than thirteen (13) feet in width (measured perpendicularly from the side of the parking space) and not less than twenty (20) feet in length (see also section 733-210(b)(10), required parking spaces for the disabled).
 - (3) *Access to and from parking areas.*
 - a. Each off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.
 - b. All off-street parking areas shall be designed with appropriate means of vehicular access to a street or alley in such a manner as to minimize interference with traffic movement and to provide safe and efficient means of vehicular access. Off-street parking areas shall

be designed and located so that vehicles shall not back from or into a public street or adjoining property, unless the lot and the adjoining property are located within the same industrial park and such maneuverability areas are subject to a recorded easement agreement allowing such maneuverability.

- c. Plans and specifications for: 1) the width of access drives; 2) location of access drives from the nearest point of two (2) intersecting street rights-of-way; and 3) the design and location of frontage lanes and passing blisters, shall be submitted to, and written approval obtained from, the City of Indianapolis, Division of Permits Compliance or the Traffic Engineering Department having jurisdiction thereof. Such plans and specifications shall comply with the applicable standards and regulations of such division/department.

(4) Use of parking areas.

- a. The parking area shall not be used for the storage, display, advertisement, sale, repair, dismantling or wrecking of any vehicle, equipment or material. The parking area shall not be used for the storage of any inoperable vehicles.
- b. Buildings or structures for guards, attendants or watchmen shall be permitted; however, any such structure shall not occupy a required off-street parking space(s) and shall comply with all setback requirements for parking areas.
- c. Loading spaces, as required in section 733-210, shall not constitute a required off-street parking space; nor shall any off-street parking area be used as a loading space or area.

(5) Location and setback.

- a. All parking spaces required to serve buildings or uses erected or established after the effective date of this chapter shall be located on the same lot as the building or use served. Buildings or uses existing on the effective date of this chapter which are subsequently altered or enlarged so as to require the provision of additional parking spaces under the requirements of this chapter may be served by parking spaces located on land other than the lot on which the building or use served is located, provided such spaces are within five hundred (500) feet of a lot line of the use served. (See control of off-site parking areas, section 733-210(a)(5)).
- b. Front yards: Off-street parking may be located in minimum required front yards of I-1-S, I-2-S, I-3-S and I-4-S Districts, provided the total parking area does not occupy more than ten (10) percent of the total area of the minimum required front yard. In any industrial district, off-street parking may be located in front of the building, provided the parking area is located between the required front building setback line and the building.
- c. Side and rear yards: Off-street parking may be located in required side and rear yards.

(6) Surface of parking area.

- a. Off-street parking areas may be open to the sky, covered, or enclosed in a building. In any instance where a building is constructed or used for parking, it shall be treated as any other building or structure and subject to all use and development standards requirements of the applicable industrial district in addition to the requirements contained herein.
- b. All off-street parking areas, and the access to and from such areas, shall be hardsurfaced to adequately provide a durable and dust-free surface. A gravel surface may be used for a period not exceeding one (1) year after the commencement of the use for which the parking area is provided, where ground or weather conditions are not immediately suitable for permanent surfacing as specified above.
- c. The parking area(s), where abutting a required landscaped yard or area, shall be designed and constructed in such a manner that no part of any parked vehicle shall extend beyond the boundary of the established parking area into any minimum required landscaped yard or area or onto adjoining property.

(7) Lighting of parking area.

- a. When parking areas are illuminated, the lighting equipment shall provide good visibility with a minimum of direct glare.

- b. In applying exterior lighting, equipment shall be of an appropriate type and be so located, shielded and directed that the distribution of light is confined to the area to be lighted.
 - c. Objectionable light on to adjacent properties and streets shall be avoided to prevent direct glare or disability glare.
 - d. Lighting levels for outdoor parking areas shall meet the following minimum average maintained horizontal factualness (as specified in Architectural Graphics Standards, Eighth Edition, Ramsey/Sleeper, John Wiley and Sons, Inc., New York, New York). The minimum average maintained horizontal factualness specified in Architectural Graphics Standards for lighting levels for outdoor parking areas are hereby incorporated into this chapter by reference and made a part hereof.
- (8) *Landscaping.* The ground area between the required off-street parking area setback and any lot line abutting a protected district shall be screened and landscaped in accordance with the requirements of section 733-211(e).
- (9) *Number of parking spaces required.*
- a. All uses permitted in the I-1-S, I-2-S, I-3-S, and I-4-S Districts shall provide a minimum of one (1) parking space for each one and one-half (1 1/2) persons on the premises, computed on the basis of the greatest estimated number of persons at any one (1) period during the day or night.
 - b. All uses permitted in the I-1-U, I-2-U, I-3-U, and I-4-U Districts shall provide a minimum of one (1) parking space for each two (2) persons on the premises, computed on the basis of the greatest estimated number of persons at any one (1) period during the day or night.
- (10) *Required parking spaces for the disabled.* Every parking area available to the public shall have parking spaces reserved for the use of physically handicapped persons, as defined in section 733-213, according to the following schedule:

<i>Total Required Number of Parking Spaces</i>	<i>Minimum Number of Reserved Spaces</i>
0 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	Two (2) percent of the total number of parking spaces.
1001 and over	Twenty (20), plus one (1) for each one hundred (100) spaces over one thousand (1000).

(c) *Off-street loading regulations.* Off-street loading areas accessory to uses in the industrial districts shall be provided and maintained in accordance with the following regulations, in addition to the requirements of section 733-210(a):

- (1) *Minimum loading space dimensions.*
 - a. A required off-street loading space shall be at least twelve (12) feet in width by at least fifty-five (55) feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fifteen (15) feet.
 - b. The interior access drives, interior access driveways, driveways, aisles, loading spaces and vehicular circulation and maneuvering for loading areas shall be designed and constructed at not less than the recommended specifications contained in Architectural Graphic Standards, Eighth Edition, Ramsey/Sleeper, John Wiley and Sons, Inc., New York, New York. The

recommended specifications noted in Architectural Graphic Standards for interior access drives, interior access driveways, driveways, aisles, loading spaces and vehicular circulation and maneuvering for loading areas are hereby incorporated into this chapter by reference and made a part hereof.

(2) *Access to and from loading area.*

- a. Each required off-street loading space shall open directly upon a hardsurfaced aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such loading space.
- b. All off-street loading areas shall be designed with appropriate means of vehicular access to a street or alley in such a manner as to minimize interference with traffic movement and to provide safe and efficient means of vehicular access.
- c. Plans and specifications for: 1) the width of access drives; 2) location of access drives from the nearest point of two (2) intersecting street rights-of-way; and 3) the design and location of frontage lanes and passing blisters, shall be submitted to, and written approval obtained from, the City of Indianapolis, Division of Permits Compliance or the Traffic Engineering Department having jurisdiction thereof. Such plans and specifications shall comply with the applicable standards and regulations of such division/department.

(3) *Location and setback.*

- a. All required loading spaces shall be located on the same lot as the use served, and shall be so designed and located that trucks shall not back from or into a public street, or onto adjoining property unless the lot and the adjoining property are located within the same industrial park and such maneuverability areas are subject to a recorded easement agreement allowing such maneuverability.
 - b. No open loading area or loading space shall be located in a minimum required front yard, minimum required front transitional yard or the area between the front lot line and the front line of the primary building.
 - c. No loading area or loading space shall be located in a required side or rear transitional yard.
- (4) *Screening.* All vehicle loading spaces on any lot abutting a protected district or separated by a public right-of-way from a protected district shall be enclosed within a building or screened and landscaped in addition to the industrial district's regulations for screening and landscaping transitional yards. Such screening and landscaping shall be installed as required in section 733-211(e).

(5) *Use of loading area.* Space allotted to off-street loading areas shall not be used to satisfy the off-street parking space requirements.

(6) *Surface of loading area.*

- a. Off-street loading areas may be open to the sky, covered or enclosed in a building. In any instance where a building is constructed or used for loading, it shall be treated as any other structure and shall be subject to all use and development standards of the applicable industrial district in addition to the requirements contained herein.
- b. All loading areas shall be hardsurfaced to adequately provide a durable and dust-free surface except that:
 1. A gravel surface may be used for a temporary period not exceeding one (1) year after commencement of the use for which the loading area is provided, where ground and weather conditions are not immediately suitable for permanent surfacing as specified above.
 2. A gravel surface in the area of storage or handling may be used permanently in association with industries that handle liquids or chemicals which create a potential hazard if containment should be lost and where absorption into the ground through a loose surface material would eliminate or alleviate such hazard.

- c. The surface shall be graded, constructed and drained in such a manner that there will be no detrimental flow of water onto adjacent properties or public sidewalks.
- (7) *Lighting of loading area.* When a loading area is illuminated, the lighting equipment shall be so located, shielded, and directed so that the lighting distribution is confined to the area to be lighted. Objectionable light onto adjacent properties and streets shall be avoided to prevent direct glare or disability glare.
- (8) *Required loading spaces.* Off-street loading spaces shall be provided and maintained in accordance with the following minimum requirements for all industrial districts.

<i>Gross Floor Area of Building (Sq. Ft.)</i>	<i>Required Number of Loading Spaces</i>
1-- 40,000	1
40,001--100,000	2
100,001--200,000	3

For each additional two hundred thousand (200,000) square feet of gross floor area or fraction thereof, one (1) additional loading space shall be provided.

Sec. 733-211. Special regulations.

(a) *Minimum required front setback lines and front yards.* Front setbacks, having a minimum depth in accordance with the following setback standards, shall be provided along all public and private street right-of-way lines, and the minimum required building setback lines shall be as follows:

- (1) No part of any building shall be built closer to the proposed right-of-way lines of the following streets than:

Thirty (30) feet from the proposed right-of-way or one hundred (100) feet from the center line, whichever is greater.

Fifty (50) feet ("S" districts) Twenty (20) feet ("U" districts) from the proposed right-of-way

Expressway, freeway, primary arterial, parkway, secondary arterial (as designated on the Official Thoroughfare Plan for Marion County, Indiana)

Collector street, local street, marginal access street (including marginal access streets with a coinciding right-of-way boundary immediately paralleling either a federal interstate highway route or any thoroughfare), cul-de-sac or any private street.

Subject to the following:

- a. Any required front transitional yard shall have a minimum depth in accordance with the "required transitional yards, minimum setback" as set forth in the applicable industrial district.
 - b. The required front yard and setback shall be located outside of and adjacent to the proposed right-of-way line of the street while paralleling and extending the full length of such right-of-way line, except when interrupted by driveway(s).
 - c. The uses of required front yards shall be those permitted in the provisions of the "use of required yards" sections of the applicable industrial zoning district.
 - d. In the case where a proposed right-of-way line does not exist, as determined by the Official Thoroughfare Plan for Marion County, Indiana, or where the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement.
- (2) No part of any structure, including parking areas, parking spaces, interior access drives, and interior access driveways, shall be built closer than twenty (20) feet to the right-of-way line of a federal interstate highway route.
- (b) *Industrial park - plan requirements for improvement location permit issuance:* Prior to improvement location permit issuance for any building or structure within an industrial park, three (3)

copies of a conceptual site plan and landscape plan for the entire industrial park shall be on file with the Department of Metropolitan Development.

(c) *Street requirements:*

- (1) *Clear sight triangular area.* The following provisions shall apply to all streets, whether public or private: All landscape plantings, structural barriers, shrubs, trees, structures or other objects, temporary or permanent, shall permit completely unobstructed vision within a clear sight triangular area between the heights of two and one-half (2 1/2) and nine (9) feet above the crown of the streets, drives, or driveways. A clear sight triangular area shall be established as one (1) of the following (see section 733-213, Diagram F):

- a. On a corner lot, the clear sight triangular area is formed by the street right-of-way lines, the pavement edge of the drives or driveways and the line connecting points twenty-five (25) feet from the intersection of such street right-of-way lines and pavement edge lines; or in the case of a round or cut property corner, from the intersection of the street right-of-way lines and pavement edge lines extended; or
- b. On a lot adjacent to an at-grade railroad crossing, the clear sight triangular area is formed by the lot line coterminous with the railroad right-of-way, the street right-of-way line or pavement edge line, and the line connecting points twenty-five (25) feet from the intersection of such lines; or
- c. On a lot which has a driveway, abuts an alley or which is next to a lot which has a driveway, the two (2) clear sight triangular areas are formed by the street right-of-way line, both sides of either the alley right-of-way or of the surface edge of the driveway, and the line connecting points ten (10) feet from the intersection of the street right-of-way line and driveway or alley lines extended.

(2) *Requirements for public streets.*

- a. All public streets shall be dedicated to the public, accepted for public maintenance by the Department of ~~Capital Asset Management (DCAM)~~ Public Works (DPW), and improved and constructed in accordance with the standards required by the ~~Indianapolis DCAM~~ DPW Standards for Street and Bridge Design and Construction, or as approved by the director of the ~~DCAM~~ DPW.
- b. The rights-of-way of any streets within an industrial park which are indicated on the Official Thoroughfare Plan for Marion County, Indiana, or which have been required by zoning, variance, or platting commitment, condition or covenant to be developed as public streets, are to be constructed to specific standards based upon their proposed functional classification and shall be dedicated to the public, or the right-of-way thereof shall be reserved for the future.

(3) *Requirements for private streets, driveways, interior access driveways and interior access drives:*

- a. All private streets, driveways, interior access driveways and interior access drives shall meet the minimum standards for construction, materials or use in construction, and design as specified by the "Standard Specifications", Indiana Department of Transportation (8-17-1-39), 1988 Edition, the Indiana Department of Transportation (~~IDOT~~) Supplemental Specifications, and the Indianapolis Department of ~~Transportation (IDOT)~~ Public Works (DPW) Standards for Street and Bridge Design and Construction. In the event ~~DCAM~~ DPW specifications conflict with the IDOT Standard Specifications, the most stringent specifications shall govern. The "Standard Specifications" of the IDOT are incorporated into this chapter by reference. Two (2) copies of the "Standard Specifications" are on file and available for public inspection in the office of the ~~Neighborhood and Development Services Division of Planning~~ of Planning of the Department of Metropolitan Development. Provided, however, that the standard specifications incorporated into this chapter shall be modified as follows:

Private interior streets, private interior access drives and private interior access driveways shall have a minimum width, including gutters, curbing, and off-street parallel parking spaces, if provided, of:

One-way, no parking: twelve (12) feet

One-way, parallel parking on one (1) side of the street only: twenty (20) feet

Two-way, no parking: twenty (20) feet

Two-way, parallel parking on one (1) side of the street only: twenty-seven (27) feet

Two-way, parallel parking on both sides of the street: thirty-six (36) feet

- b. Private streets, interior access drives and interior access driveways shall be privately maintained (not by governmental agencies) in good condition and free of chuckholes, standing water, weeds, dirt, trash and debris.
- c. Interior access drives and driveways shall be designed and maintained with sufficient width to provide for the passage of emergency vehicles at all times.
- d. Private streets, interior access drives and interior access driveways within any industrial zoning district may be used to provide ingress and egress to any other industrial zoning district and to any other zoning district having a less intense use, which would include all protected districts and all commercial districts.

(d) *Requirements for temporary use structures or buildings; recycling containers or neighborhood collection points:*

- (1) *Temporary use structures or buildings:* Temporary use structures shall be permitted in all industrial districts, under a temporary improvement location permit issued by the Administrator subject to the temporary use requirements specified below:

- a. Temporary use structures or buildings shall comply with all setback requirements for a primary building on the site.

Exception: Temporary construction trailers may be permitted within required front, side or rear yards, provided they do not encroach into any clear sight triangular areas.

- b. Any floodlights or other lighting shall be directed upon the premises and shall not be detrimental to adjacent properties.
- c. A temporary improvement location permit for a temporary use structure shall be valid for a maximum of eighteen (18) months. An extension of time, not to exceed one hundred eighty (180) days, may be granted by the Administrator for good cause shown. Such request for extension must be filed with the Administrator prior to the termination date of the temporary improvement location permit.
- d. All structures, buildings, appurtenances, trash or debris associated with the temporary use structure shall be removed from the site immediately upon completion or cessation of the temporary use.

(2) *Requirements for recycling containers or neighborhood recycling collection points.*

- a. *Requirements for neighborhood recycling collection points.* Neighborhood recycling collection points shall be permitted in any industrial district. Household waste products permitted for collection at neighborhood recycling collection points, as defined in section 733-213, shall include the following:

Aluminum cans
Plastics
Paper products
Tin and metal cans
Glass containers

In addition to the materials listed above, other household scrap made of aluminum, brass, copper, or steel may also be collected at these facilities. However, all materials collected for delivery to the recycling facility shall be in amounts that allow delivery by vehicles which do not exceed a maximum load capacity of three-quarters of a ton in the I-1 and I-2 Industrial Districts. All deliveries that necessitate the use of vehicles in excess of this size shall be required to deliver the recyclable materials to a recycling station (as defined in section 733-213). This restriction is intended to protect the community character of the I-1 and I-2 Industrial Districts.

In the I-1 and I-2 Districts, those collection points that utilize a trailer as its primary structure shall be limited to one (1) trailer per site. The collection point shall be manned during all hours of operation. In addition to these requirements, the requirements for recycling containers (as specified in section 733-211(d)(2)b. below) shall also apply.

b. *Requirements for recycling containers.* Recycling containers shall be permitted in any industrial district. Recycling containers, as defined in section 733-213, shall be subject to the following requirements:

1. The use or structure shall not be located within any required yard or required transitional yard or within any street right-of-way and shall meet the minimum setback requirements of the district.
2. When the structure is located in the parking area of the primary use, the structure shall be located completely within a striped, off-street parking space(s) on the site and shall not be within a drive or maneuvering area.
3. A minimum of three (3) off-street parking spaces shall be provided on site. These off-street parking spaces are in addition to the required parking provided for the primary use. A suitable maneuvering area for access and turning shall also be provided as specified in Architectural Graphic Standards, Eighth Edition, Ramsey/Sleeper, John Wiley and Sons, Inc., New York, New York.
4. All recyclable materials shall be stored within a recycling container and the surrounding lot areas shall be: i. maintained free of litter and debris; and ii. cleaned/inspected on a daily basis.
5. The recycling containers shall be clearly marked to identify the type of material which may be deposited; and the name, address, and telephone number of the operator and the hours of operation, and shall display a notice stating that no material shall be left outside the recycling containers.
6. The recycling containers shall be emptied or exchanged with a new container at or before the time the existing container becomes completely filled.
7. The recycling container shall not be located within one hundred (100) feet, measured in any direction, of a dwelling district. The measurement shall be taken from the exterior of the container to the zoning boundary of the dwelling district except when such container is separated from such dwelling district by an intervening street (see section 733-213, Diagram H).
8. Recycling containers shall be prohibited on lots of less than ten thousand (10,000) square feet in area.

(e) *Landscaping, screening and grounds maintenance.* Subject to the allowed uses in required yards, landscaping, screening and grounds maintenance shall be provided and maintained, for all development in all industrial districts in accordance with the following regulations:

(1) *Landscaping and screening in required yards.*

- a. All required yards shall be landscaped. The landscaping of these yards shall, at a minimum, consist of a combination of living vegetation, such as trees and shrubs as specified in section 733-211(e)(1)b. and c., and grasses or ground cover materials, planted or transplanted and maintained, or preserved as existing natural vegetation areas (e.g., woods or thickets). Loose stone, rock or gravel may be used as a landscaping

accent, but shall not exceed twenty (20) percent of the area of the required yard in which it is used.

- b. Landscaping and screening of the required front yard shall be provided and maintained according to the following minimum standards:

1. Landscaping in the required front yard shall consist of trees planted in accordance with one (1) of the two (2) following alternatives:

- i. If deciduous shade (overstory) trees are used: There shall be one (1) tree planted at a maximum of every forty (40) feet on center of linear distance along all required front yards. These required trees may be grouped together in the required front yard; however, in no case shall spacing between the trees exceed eighty (80) feet (refer to section 733-213, Diagram G); or
- ii. If deciduous ornamental (understory) trees are used: There shall be one (1) tree planted at a maximum of every twenty-five (25) feet on center of linear distance along the required front yard. These required trees may be grouped together in the required front yard; however, in no case shall spacing between the trees exceed fifty (50) feet (refer to section 733-213, Diagram G). Deciduous shade trees and deciduous ornamental trees may be grouped together in the required yards; however, in no case shall spacing between a deciduous shade tree and a deciduous ornamental tree exceed fifty (50) feet.

2. Screening in the required front yard of the project may include:

- i. Wall or fence - an ornamental, decorative fence or masonry wall, up to a maximum height of ten (10) feet, may be used in conjunction with the required landscaping; or
- ii. Berm - an earthen berm may be used in conjunction with the required landscaping. It shall be a maximum height of forty-two (42) inches, have a minimum crown width of two (2) feet, a side slope of no greater than three to one (3:1), and shall be planted and covered with live vegetation (a retaining wall may be used on one (1) side of the berm in lieu of a side slope, if desired); or
- iii. Plant material screen - a compact hedge of evergreen or densely twigged deciduous shrubs may be used in conjunction with the required landscaping.

Provided, however, for all parking areas between the building line, as extended, and the street, there shall be provided and maintained along the front line of the parking area a screen of a minimum height of thirty-six (36) inches along a minimum of seventy-five (75) percent of the linear distance of the parking area (excluding the linear width of driveways) with a solid wall, solid fence, berm, or plant material screen. In addition, no linear open space between the above noted screening techniques shall be greater than thirty (30) feet.

The ground area between such wall, fence, berm, or plant material screen and the front proposed right-of-way line shall be planted and maintained in grass or other suitable ground cover.

A minimum of half of the required trees shall also be planted between the proposed right-of-way and the wall, fence, berm, or plant material screen.

- c. Landscaping and screening in the required side and rear yards shall be provided and maintained according to the following minimum standards:

1. Landscaping in the required side and rear yards shall consist of trees planted in accordance with one (1) of the two (2) following alternatives:

- i. If deciduous shade (overstory) trees are used: There shall be one (1) tree planted at a maximum of every sixty (60) feet on center of linear distance along all required side and rear yards. These required trees may be grouped together in the required side and rear yards; however, in no case shall spacing

between the trees exceed eighty (80) feet (refer to section 733-213, Diagram G); or

- ii. If deciduous ornamental (understory) trees are used: There shall be one (1) tree planted at a maximum of every forty (40) feet on center of linear distance along all required side and rear yards. These required trees may be grouped together in the required side and rear yards; however, in no case shall spacing between the trees exceed fifty (50) feet (refer to section 733-213, Diagram G). Deciduous shade trees and deciduous ornamental trees may be grouped together in the required yards; however, in no case shall spacing between a deciduous shade tree and a deciduous ornamental tree exceed fifty (50) feet.
2. Screening in the required side and rear yard of the project may include:
 - i. Wall or fence - an ornamental, decorative fence or masonry wall up to a maximum height of ten (10) feet may be used in conjunction with the required landscaping; or
 - ii. Berm - an earthen berm may be used in conjunction with the required landscaping. It shall have a maximum height of ten (10) feet, have a minimum crown width of two (2) feet, a side slope of no greater than three to one (3:1), and shall be planted and covered with live vegetation; or
 - iii. Plant material screen - a compact hedge of evergreen or densely twigged deciduous shrubs may be used in conjunction with the required landscaping.
 - d. All landscape plantings, architectural screens (fences, walls), shrubs, trees, structures or other objects shall permit completely unobstructed vision within a clear sight triangular area as noted in section 733-211(c).
 - e. No architectural screen fronting upon or abutting a protected district shall be electrified with the intent of providing for an electrical shock if touched.
 - f. Barbed wire, razor wire and similar type wires shall not be permitted within the front yard setback, or in front of any existing building in the I-1, I-2, or I-3 (Urban or Suburban) Industrial Districts.
 - g. The minimum size of all required landscape plant materials, at the time of planting including substituting or replacement trees and shrubs, shall be as follows:
 1. Deciduous shade (overstory) trees - two-and-one-half-inch caliper at six (6) inches above the ground.
 2. Deciduous ornamental (understory) trees - one-and-one-half-inch caliper at six (6) inches above the ground.
 3. Multi-stemmed trees - eight (8) feet in height.
 4. Evergreen trees - five (5) to six (6) feet in height.
 5. Deciduous or evergreen shrubs - twenty-four (24) inches in height. Shrubs are to be planted at a maximum of four (4) feet on center of linear distance along the required yard.
 - h. All trees and shrubs shall be planted or transplanted in accordance with the standards contained in American Standards for Nursery Stock, copyrighted in 1986 by the American Association of Nurserymen and approved May 2, 1986, by the American National Standards Institute, Inc. The standards contained in American Standards for Nursery Stock are hereby incorporated into this chapter by reference and made a part hereof. All trees and shrubs shall be mulched and maintained to give a clean and weed-free appearance.
 - i. In computing the number of trees to be planted in a required yard or a required transitional yard, a fraction of one-half (1/2) or greater shall be rounded up to count as an additional tree.

- j. Existing trees may fulfill the requirements for tree planting in required yards or required transitional yards as long as the standards specified for required yards (section 733-211(e)(1)b. or c.) or required transitional yards (section 733-211(e)(2)b. or c.) are met.
 - k. The removal from any minimum required yard or any minimum required transitional yard of any existing live deciduous tree over four-inch caliper measured at four and one-half (4 1/2) feet above ground or of any existing shrub or evergreen tree over six (6) feet in height shall be prohibited except to facilitate the placement of utilities or to provide for necessary easements or drainage improvements. Removal of such tree(s) shall require the replanting of replacement tree(s) so that the total number of trees replanted equals the total number of trees removed. Replacement trees shall be of the same species as those trees removed unless approved otherwise by the Administrator. Replanting of these replacement trees shall occur within six (6) months of removal, or the next planting season, whichever occurs first.
 - l. All existing trees which are to be preserved shall be maintained without injury and with sufficient area for the root system to sustain the tree. Protective care and physical restraint barriers at the dripline, such as temporary protective fencing, shall be provided to prevent alteration, compaction or increased depth of the soil in the root system area prior to and during groundwork and construction. Heavy equipment traffic and the storage of construction equipment or materials shall not occur within the dripline of the tree.
- (2) *Landscaping and screening of required transitional yards.* Landscaping and screening of yards fronting upon or abutting a protected district shall be provided and maintained, for all development in all industrial districts in accordance with the following regulations in addition to section 733-211(e)(1)d. through k.
- a. All required transitional yards shall be landscaped. The landscaping of these yards shall, at a minimum, consist of a combination of living vegetation such as trees, shrubs, hedges, and grasses or ground cover as specified in section 733-211(e)(2)b. and c., planted or transplanted and maintained, or preserved as existing natural vegetation areas (e.g., woods or thickets). Loose stone, rock or gravel may be used as a landscaping accent, but shall not exceed twenty (20) percent of the area of the required yard in which it is used.
 - b. Landscaping and screening of required front transitional yards shall be provided and maintained according to the following minimum standards:
 - 1. Landscaping in front transitional yards shall consist of trees planted in accordance with the standards specified for required front yards. See section 733-211(e)(1)b.1.
 - 2. Screening in front transitional yards shall be provided in an open pattern to partially screen the industrial use. Provided, however, for any parking areas between the building line, as extended, and the street, there shall be provided and maintained along the front line of the parking area a buffer screen of a minimum of one (1) of the following:
 - i. Architectural screen - a wall or fence of ornamental block, brick, solid-wood fencing or combination thereof. Such wall or fence shall be a maximum of forty-two (42) inches and a minimum of thirty-six (36) inches in height and shall be so constructed to such minimum height to restrict any view therethrough; or
 - ii. Berm - An earthen berm shall be a maximum height of forty-two (42) inches and a minimum height of thirty-six (36) inches, a minimum crown width of two (2) feet, a side slope of no greater than three to one (3:1), and shall be planted and covered with live vegetation (a retaining wall may be used on one(1) side of the berm in lieu of a side slope, if desired).
- Exception: The earthen berm may be combined with shrubs to attain the minimum height of thirty-six (36) inches.
- iii. Plant material screen - a compact hedge of evergreen or densely twigged deciduous shrubs. Such shrubs shall attain a minimum height of thirty-six (36) inches at maturity; and the ground area between such wall, fence, berm, or hedge and the front right-of-way line shall be planted and maintained in grass

or other suitable ground cover. A minimum of half of the required trees shall also be planted between the proposed right-of-way and the wall, fence, berm, or hedge.

- c. Required side and rear transitional yards shall be landscaped and have an effective screening of the industrial use.

1. Landscaping and screening required side and rear transitional yards using a solid wall or fence shall be provided and maintained according to the following minimum standards: Landscaping standards for required side or rear transitional yards using a solid wall or fence:

- i. Trees shall be planted along all side and rear transitional yards according to the standards specified for tree planting in front required yards. See section 733-211(e)(2)b.1.
- ii. The finished side of the fence shall face the protected district. Such fence or wall shall be constructed to a height of not less than six (6) feet and no more than ten (10) feet.
- iii. A berm may be used in place of a solid fence or wall so long as the berm is a minimum of six (6) feet in height to a maximum of ten (10) feet, has a minimum crown width of two (2) feet, a side slope no greater than three to one (3:1), and shall be planted and covered in live vegetation.

Exception: The earthen berm may be combined with shrubs to attain the minimum height of six (6) feet.

2. Landscaping and screening in the required side and rear transitional yards, if a solid wall or solid fence is not used, shall be provided and maintained according to one (1) of the following minimum standards:

- i. A combination of trees and shrubs:
 - (a) Trees - trees shall be planted in accordance with the standards specified for required front yards (see section 733-211(e)(2)b.); and
 - (b) Shrubs - shrubs shall be planted so that one hundred (100) percent of the linear distance of the required transitional yard is screened. Shrubs shall be planted at a maximum of four (4) feet on center of linear distance along the required transitional yard. The shrubs shall have a minimum ultimate height of six (6) feet and shall be either evergreen or densely twigged deciduous shrubs; or
- ii. Low branching and densely twigged deciduous ornamental trees shall be planted to maintain a spacing of twelve and one-half (12 1/2) feet on center; or
- iii. Densely branched evergreen trees shall be planted to maintain a spacing of twelve and one-half (12 1/2) feet on center; or
- iv. A combination of i., ii., or iii. to be maintained so that one hundred (100) percent of the linear distance shall be screened.

Exception: Existing trees and shrubs may be used to screen industrial uses. However, required transitional yards must be supplemented where sparsely vegetated to maintain a dense visual barrier to a height of six (6) feet.

3. Landscaping and screening in the required side and rear transitional yards may be achieved by combining elements from (1) and (2) of this subsection, so long as the minimum standards set forth for that element utilized are satisfied.

- (3) *Transitional yard reduction - landscape performance standards exceptions.* In order to provide flexibility and encourage enhanced landscaping adjacent to protected districts, the following set of landscape performance standards may be utilized to reduce the required front, side and rear transitional yards in the industrial districts. By providing landscaping in addition to the

standard requirement, required transitional yards may be reduced according to the following schedule:

TABLE A
LANDSCAPE PERFORMANCE STANDARDS REDUCTION IN
REQUIRED SIDE AND REAR TRANSITIONAL YARDS
IN THE SUBURBAN ("S") DISTRICTS

	<i>District I-1-S</i>	<i>I-2-S</i>	<i>I-3-S</i>	<i>I-4-S</i>
<i>Landscape Type</i>	<i>Required Transitional Yards (in feet)</i>			
Type A	50	50	100	150
Type B	35	35	70	100
Type C	20	20	40	50

TABLE B
LANDSCAPE PERFORMANCE STANDARDS REDUCTION IN
REQUIRED FRONT TRANSITIONAL YARDS
IN THE SUBURBAN ("S") DISTRICTS

	<i>District I-1-S</i>	<i>I-2-S</i>	<i>I-3-S</i>	<i>I-4-S</i>
<i>Landscape Type</i>	<i>Required Transitional Yards (in feet)</i>			
Type A	100	100	150	200
Type B	70	70	100	150
Type C	40	40	50	100

TABLE C
LANDSCAPE PERFORMANCE STANDARDS REDUCTION IN
REQUIRED SIDE AND REAR TRANSITIONAL YARDS
IN THE URBAN ("U") DISTRICTS

	<i>District I-1-U</i>	<i>I-2-U</i>	<i>I-3-U</i>	<i>I-4-U</i>
<i>Landscape Type</i>	<i>Required Transitional Yards (in feet)</i>			
Type A	30	30	40	50
Type B	15	15	20	20

TABLE D
LANDSCAPE PERFORMANCE STANDARDS REDUCTION IN
REQUIRED FRONT TRANSITIONAL YARDS
IN THE URBAN ("U") DISTRICTS

	<i>District I-1-U</i>	<i>I-2-U</i>	<i>I-3-U</i>	<i>I-4-U</i>
<i>Landscape Type</i>	<i>Required Transitional Yards (in feet)</i>			
Type A	30	30	40	50
Type B	15	15	20	20

Applicable landscape standards by type:

- Landscape Type A - The standard chapter requirement for landscaping in the applicable transitional yard (as noted in section 733-211(e)(2)).
- Landscape Type B - The standard chapter requirement for landscaping in the applicable transitional yards (as noted in section 733-211(e)(2)), except that two (2) times the number of trees normally required shall be provided.
- Landscape Type C - The standard chapter requirement for landscaping in the applicable transitional yard (as noted in section 733-211(e)(2)), except that three (3) times the number of trees normally required shall be provided.

The required transitional yards may be reduced according to Tables A through D if the applicable landscape type noted above is provided.

Note--Below are examples of transitional yard reduction:

A site which is six hundred (600) feet by six hundred (600) feet or three hundred sixty thousand (360,000) square feet: In the I-4-S district, two hundred seventy thousand (270,000) square feet would be required for transitional yards if the site was surrounded by protected districts, using "Type A" landscaping.

Under "Type B" landscaping, one hundred eighty thousand (180,000) square feet would be required for transitional yards - or about a thirty-three (33) percent reduction from the standard. Land "added" for development would equal ninety thousand (90,000) square feet or over two (2) acres.

Under "Type C" landscaping, only ninety thousand (90,000) square feet would be required for transitional yards - or about a sixty-seven (67) percent reduction from the standard. Land "added" for development would equal one hundred eighty thousand (180,000) square feet, or over four (4) acres.

The Administrator shall review the reduction of required transitional yards prior to issuing an improvement location permit in order to ensure that the additional landscaping provided meets the applicable standards noted in this section. If the applicable standards are met, the landscape plan shall be stamped approved by the Administrator and become a part of the file and requirements for the improvement location permit. The reduction in required transitional yards, once approved by the Administrator, shall not require a variance of development standards.

(4) *Landscape plan requirements:* A landscape plan shall:

- a. Be drawn on a copy of the site plan (or a simplified scale drawing thereof) and show exact locations and outline of all rights-of-way (both existing and proposed by the Official Thoroughfare Plan for Marion County), structures, buildings, sidewalks and pedestrian ways, streets, trash enclosures, project access and interior access drives and driveways, individual and project storage, permanent lighting fixtures, signs, benches, screens, walls, fences, natural vegetation areas, open space, recreational areas, transitional yards, adjacent property zones, and all underground and overhead lines within areas to be landscaped (with depths or heights indicated at intervals where lines change direction or where terminals or connections are provided);
- b. Show dimensioned detailed elevation or section drawings of walls and fences;
- c. Show all existing elevations and proposed land contour lines having at least two-foot intervals;
- d. Show location and nature of existing and proposed drainage systems and their flow;
- e. Include a tree survey of required yards or required transitional yards indicating the exact location of existing trees over four-inch caliper at four and one-half (4 1/2) feet above the ground and all flowering trees, shrubs and evergreens over six (6) feet in height;
- f. Include the exact location of any existing tree two-and-one-half-inch caliper or greater at four and one-half (4 1/2) feet above the ground which will be counted as a required tree. Such trees, shrubs and evergreens shall be accurately labeled in the tree survey with species and caliper size indicated as either existing to remain or existing to be removed or transplanted;
- g. Show all proposed planting by labeling the species, size, and spacing (on center).

(5) *Grounds maintenance:* The project owner or management shall:

- a. Maintain the landscaping by keeping lawns mowed, all plants maintained as disease-free, and planting beds groomed, except in naturally occurring vegetation areas, such as thickets; and
- b. Replace any required planting(s), which are removed or die after the date of planting per the previously approved plans on file. Such replacement shall occur during the next planting season.

(6) *Administrator approval of alternate plans.* The Administrator, upon request by the applicant, shall have the power to modify any landscape requirements and approve alternatives for those requirements as long as the alternative plan is appropriate for the site and its surrounding and is compatible and consistent with the intent of the stated standards. Such modification shall be noted on the alternative landscape plan, stamped approved by the Administrator and become a part of the file and requirements for the improvement location permit.

(f) *Appeal.* In all sections of this chapter where the Administrator is given the authority of discretionary approval of plans and specifications, or the method or manner of qualification, or any other

similar authority, any party of interest shall have the right to bring such action by the Administrator before the Metropolitan Development Commission for its review and approval or disapproval.

(g) *Application of section 733-211.* This section 733-211 shall be applicable to all industrial districts.

SECTION 16. Section 733-213 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 733-213. Construction of language and definitions.

(a) *Construction of language.* The language of this article shall be interpreted in accordance with the following regulations:

- (1) The particular shall control the general.
- (2) In the case of any difference of meaning or implication between the text of this article and any illustration or diagram, the text shall control.
- (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (4) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (5) A "building" or "structure" includes any part thereof.
- (6) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" or "occupied for."
- (7) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either . . ." the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either . . . or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

(b) *Definitions.* The words in the text or illustrations of this article shall be interpreted in accordance with the following definitions. The illustrations and diagrams in this section provide graphic representation of the concept of a definition; the illustration or diagram is not to be construed or interpreted as a definition itself.

Abut. To physically touch or border upon; or to share a common property line.

Access. The way by which vehicles shall have ingress to and egress from a land parcel or property and the street fronting along such property or parcel.

Access drive. That area within the right-of-way between the pavement edge or curb and the right-of-way line providing ingress and egress to and from a land parcel or property (see Diagram B).

Accessory. A subordinate structure, building or use that is customarily associated with, and is appropriately and clearly incidental and subordinate in use, size, bulk, area and height to the primary structure, building, and use, and is located on the same lot as the primary building, structure, or use.

Administrator. Administrator of the ~~neighborhood and development services~~ division of planning of the department of metropolitan development or such division having jurisdiction, or their appointed representative.

Alley. Any public right-of-way which has been dedicated or deeded to and accepted by the public for public use as a secondary means of public access to a lot(s) otherwise abutting upon a public street and not intended for traffic other than public services and circulation to and from such lot(s).

Alteration. Any change in type of occupancy, or any change, addition or modification in construction of the structural members of an existing structure, such as walls, or partitions, columns, beams or girders, as well as any change in doors or windows or any enlargement to or diminution of a structure, whether it be horizontally or vertically.

Awning. A roof-like cover, often of fabric, metal, plastic, fiberglass or glass, designed and intended for protection from the weather or as a decorative embellishment, and which is supported and projects from a wall or roof of a structure over a window, walk, door, or the like.

Batching plant. A facility which manufactures or prepares bituminous paving materials, aggregate concrete or bulk cement.

Buildable area. The area of a lot remaining after the minimum yard and open space requirements of the applicable zoning ordinance(s) have been met (see Diagram C).

Building. Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having a permanent roof supported by columns or walls.

Building area. The total ground area, within the lot or project, covered by the primary structure plus garages, carports and other accessory buildings. The ground area of a structure, or portion thereof, not provided with surrounding exterior walls shall be the area immediately under the vertical projection of the roof or the floor above (see Diagram C).

Bulk storage. The storage of chemicals, petroleum products and other materials in aboveground containers for subsequent resale to distributors or retail dealers or outlets.

Canopy. A roof-like cover, often of fabric, metal, plastic, fiberglass or glass, on a support which is supported in total or in part from the ground, providing shelter over, for example, a doorway, outside walk or parking area.

Collector street. See street, collector.

Commission. The Metropolitan Development Commission of Marion County, Indiana.

Commitment. An officially recorded agreement concerning and running with the land as recorded in the office of the Marion County Recorder.

Comprehensive plan. The Comprehensive Plan for Marion County, Indiana, or segment thereof, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to IC 36-7-4.

Condition. An official agreement between the municipality and the petitioner concerning the use or development of the land as specified in the letter of grant of a petition as signed by the Administrator or secretary of the Board of Zoning Appeals.

Corner lot. See lot, corner.

Covenant. A legal agreement concerning the use of land.

Crown of the street. The highest point, most often at the center line, of a street cross-section of the street pavement between the existing curb lines.

Cul-de-sac. See street, cul-de-sac.

Curb cut. The opening along the curb line, exclusive of handicap ramps, at which point vehicles may enter or leave the street (see Diagram B).

Curb line. A line located on either edge of the pavement, but within the right-of-way line (see Diagram B).

Dripline. The perimeter of a tree's spread measured to the outermost tips of the branches and extending downward to the ground.

Driveway. Access for vehicular movement to egress/ingress between the right-of-way of private or public streets and the required building setback line (see Diagram B).

Erect. Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, or any other way of bringing into being or establishing.

Excavation. The breaking of ground, except common household gardening, ground care and agricultural activity.

Floor area, gross. The number of the square feet of horizontal floor area of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) abutting buildings.

Front lot line. See lot line, front.

Front yard. See yard, front.

Frontage. The line of contact of a property with the street right-of-way along a lot line which allows unobstructed, direct access to the property.

Frontage, public street. The line of contact of a property along the front lot line between the public street and the abutting property which allows unobstructed direct access to the property.

Grade, established street. The crown elevation of a street pavement level abutting a property (as fixed by the Department of ~~Capital Asset Management~~ Public Works).

Grade level (adjacent ground elevation). The lowest point of elevation of the finished surface of the ground, paving or sidewalk and similar surface improvements within the area between the exterior walls of a primary building or structure and the property line, or when the property line is more than ten (10) feet from such walls, between such walls and a line ten (10) feet away from and paralleling such walls.

Gross acre. A horizontal measure of land area equal to forty-three thousand five hundred sixty (43,560) square feet.

Gross floor area. See floor area, gross.

Gross floor area, total. The sum of the gross horizontal areas of all floors below the roof and within the exterior faces of the exterior walls of principal and accessory buildings or the center lines of walls separating two (2) abutting buildings.

Ground cover. Low-growing plants less than eighteen (18) inches in height with a spreading growth habit, such as grasses, vines, flowers, and the like.

Handicap ramp. See pedestrian ramp.

Hardsurfaced. Quality of an outer area being solidly constructed of pavement, brick, paving stone, or a combination thereof.

Hedge. A row or rows of closely planted shrubs, bushes, etc., creating a vegetative barrier.

Height, building. The vertical distance above a reference line measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the height of the highest gable of a pitched or hipped roof. The reference line shall be selected by either of the following, whichever yields a greater building height:

- (1) The elevation of the highest adjoining sidewalk or ground surface within a ten-foot horizontal distance from and paralleling the exterior wall of the building or structure when such sidewalk or ground surface is not more than ten (10) feet above lowest grade;
- (2) An elevation ten (10) feet higher than the lowest grade when such sidewalk or ground surface is more than ten (10) feet above the lowest grade.

Heliport. An area of land, water or structural surface which is used, or intended for use, for the lawful landing and takeoff of helicopters, and any appurtenant areas which are used, or intended for use

for heliport buildings and auxiliary facilities, such as parking areas, waiting rooms, fueling, storage and maintenance equipment areas.

Helistop. An area of land, water or structural surface which is used, or intended for use, for the landing and takeoff of helicopters, without the provision of fueling, repair, maintenance or storage facilities.

Industrial park. See integrated center.

Integrated center. An area of development (commercial, industrial or any combination of commercial, industrial and residential uses) of one (1) or more lots, comprised of:

- (1) A number of individual, unrelated and separately operated uses in one (1) building sharing common site facilities; or
- (2) One (1) or more buildings containing unrelated and separately operated uses occupying a common site, which utilize one (1) or a combination of common site facilities, such as driveway entrances, parking areas, driving lanes, signs, maintenance and similar common services; or
- (3) One (1) or more buildings containing unrelated and separately operated uses occupying individual sites, which are interrelated by the utilization of one (1) or a combination of common facilities, such as driveway entrances, public or private street network, parking areas, maintenance and other services.

Interior access drive. A minor, private street providing access within the boundaries of a project beginning at the required setback line (see Diagram B).

Interior access driveway. Access for vehicular movement to egress/ingress between interior access drives connecting two (2) or more projects or land parcels (see Diagram B).

Laboratory, research. An establishment or other facility for carrying on investigation in the natural, physical or social sciences, or engineering and development as an extension of investigation with the objective of creating end products.

Landscaping. Any combination of living plants, such as trees, shrubs, ground cover, thickets with grasses planted, preserved, transplanted, maintained and groomed to develop, articulate and enhance the aesthetic quality of the area as well as provide erosion and drainage control and wind protection.

Legally established nonconforming building or structure. Any continuous, lawfully established building or structure erected or constructed prior to the time of adoption, revision or amendment, or granted a variance of the zoning ordinance, but which fails, by reason of such adoption, revision, amendment or variance, to conform to the present requirements of the zoning district.

Legally established nonconforming use. Any continuous, lawful land use having commenced prior to the time of adoption, revision or amendment of a zoning ordinance, but which fails, by reason of such adoption, revision, amendment, or variance to conform to the present requirements of the zoning district.

Loading area. A hardsurfaced off-street area maintained and intended for the maneuvering and temporary parking of vehicles while transferring goods or materials to and from a facility.

Loading space. A hardsurfaced off-street area used for the temporary parking of a commercial vehicle while transferring goods or materials to and from a facility.

Local street. See street, local.

Lot. A tract of land designated by its owner(s) to be used or developed as a unit under single ownership or control. A lot may or may not coincide with a lot of record and may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record; or
- (3) A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record.

For purposes of this definition, ownership includes:

- (1) The person(s) who holds either fee simple title to the property or is a life tenant as disclosed in the records of the township assessor;
- (2) A contract vendee;
- (3) A long-term lessee (but only if the lease is recorded among the records of the county recorder and has at least twenty-five (25) years remaining before its expiration at the time of applying for a permit) (see Diagram D).

Lot area. The area of a horizontal plane bounded on all sides by the front, rear, and side lot lines that is available for use or development and does not include any area lying within the right-of-way of any public or private street, alley, or easement for surface access (ingress or egress) into the subject lot or adjoining lots.

Lot, corner. A lot abutting upon two (2) or more streets at their intersections, or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees (see Diagram D).

Lot, through. A lot abutting two (2) parallel streets, or abutting two (2) streets which do not intersect at the boundaries of the lot (see Diagram D).

Lot line. The legal boundary of a lot as recorded in the office of the Marion County Recorder.

Lot line, front. The lot line(s) coinciding with the street rights-of-way; in the case of a corner lot, both lot lines coinciding with the street rights-of-way shall be considered front lot lines; or in the case of a through lot, the lot line which most closely parallels the primary entrance of the primary structure shall be considered the front lot line, or so declared by the Administrator (see Diagram C).

Lot line, rear. A lot line which is opposite and most distant from the front lot line, or in the case of a triangularly shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line. However, in the case of a corner lot line, any lot line which intersects with a front lot line shall not be considered a rear lot line (see Diagram C).

Lot line, side. Any lot line not designated as a front or rear lot line (see Diagram C).

Lot of record. A lot which is part of a subdivision or a lot or a parcel described by metes and bounds, the description of which has been so recorded in the office of the Recorder of Marion County, Indiana.

Manufacture/manufacturing. Establishment engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.

Marginal access street. See street, marginal access.

Mini-warehouses. A building or group of buildings containing one (1) or more individual compartmentalized storage units for the inside storage of customers' goods or wares, where no unit exceeds six hundred (600) square feet in area.

Motor truck terminal. A building or area in which trucks, including tractor or trailer units are parked, stored, or serviced, including the transfer, loading or unloading of goods. A terminal may include facilities for the temporary storage of loads prior to transshipment.

Mulch. A protective covering of organic substances placed around plants to control weeds and prevent evaporation of moisture or freezing. Plastic, loose gravel, stones or rocks shall not be considered as mulch.

Neighborhood recycling collection point. A site where collectors bring household recycling materials. Beyond any limited sorting, no other processing of the material takes place at the site. All materials are stored completely within the structure while awaiting periodic shipment to recycling stations or recycling facilities. While these collection points may be developed as freestanding sites, they typically are accessory uses sharing the site of a larger primary use. Possible structures for this type of

operation include such recycling containers as "igloos," reverse vending machines, trailers, or similar structures.

Off-street. A location completely within the boundaries of the lot, and completely off of public or private rights-of-way or alleys or any interior surface access easement for ingress and egress.

Outdoor storage. See storage, outdoor.

Parking area. An area of paving other than an open exhibition or display area, not inclusive of interior access drives, driveways, interior access driveways and access drives intended for the temporary storage of automotive vehicles including parking spaces and the area of access for the parking spaces and the area of access for the egress/ingress of automotive vehicles to and from the actual parking space (see Diagram B).

Parking space. An off-street portion of the parking area, which shall be used only for the temporary placement of an operable vehicle (see Diagram B).

Pavement. A layer of concrete, asphalt or coated macadam used on street, parking area, sidewalk, or airport surfacing.

Pedestrian ramp. An inclined access opening along the curb line at which point pedestrians, unassisted or assisted by a wheelchair, walker or the like, may enter or leave the street; or an incline providing pedestrians, unassisted or assisted by a wheelchair, walker or the like, access from the ground to an elevated surface.

Permitted use. Any use by right authorized in a particular zoning district or districts and subject to the restrictions applicable to that zoning district.

Physically handicapped. An individual who has a physical impairment including impaired sensory, manual or speaking abilities, which results in a functional limitation in access to and use of a building or facility.

Plat. An officially recorded map, as recorded in the office of the Marion County Recorder, or a map intended to be recorded indicating the subdivision of land including, but not limited to, boundaries and locations of individual properties, streets, and easements.

Primary building. The building in which the permitted primary use of the lot is conducted.

Processing. A series of operations, usually in a continuous and regular action or succession of actions, taking place or carried on in a definite manner.

Project. A lot or parcel of contiguous land to be developed for a use or uses which at the time of development is under one (1) ownership or control, and subsequently may be subdivided, developed, or conveyed into smaller lots or parcels.

Project boundaries. The perimeter lot lines encompassing an entire project.

Proposed right-of-way. See right-of-way, proposed.

Protected district. Specific classes of zoning districts which, because of their low intensity or the sensitive land uses permitted by them, require additional buffering and separation when abutted by certain more intense classifications of land use. For the purposes of this article, a protected district shall include any dwelling district, hospital district, parks district, university quarter district, SU-1 (church) district or SU-2 (school) district.

Public street frontage. See frontage, public street.

Rear yard. See yard, rear.

Recreation facility. A place, area or structure designed and equipped for the conduct of sport, leisure time activities and other customary and usual recreational activities.

Recycling container. Receptacle designed and intended for the collection of cleaned, sorted, solid household waste products, including, but not limited to, glass, plastic, metal and paper.

Recycling facility. A recycling operation, the process by which waste products of any type are reduced to raw materials and may further be transformed into new and often different materials.

Recycling station. A recycling operation involving further processing of household recycling materials (relative to a neighborhood recycling collection point) to improve the efficiency of subsequent hauling. Such a facility typically features sorting, the use of a crushing apparatus, and the storage of the material until it is shipped out. A recycling station does not include automotive or construction recycling.

Research laboratory. See laboratory, research.

Required yard. See yard, required.

Retail trade. Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. The establishment typically buys goods for resale to the public.

Right-of-way. Specific and particularly described strip of land, property, or interest therein devoted to and subject to the lawful use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially recorded by the office of the Marion County Recorder.

Right-of-way, private. Specific and particularly described strip of privately held land, property, or interest therein devoted to and subject to use for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as officially recorded by the office of the Marion County Recorder.

Right-of-way, proposed. Specific and particularly described land, property, or interest therein devoted to and subject to the lawful public use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially described in the Marion County Thoroughfare Plan as adopted and amended by the Metropolitan Development Commission.

Right-of-way, public. Specific and particularly described strip of land, property, or interest therein dedicated to and accepted by the municipality to be devoted to and subject to use by the general public for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as officially recorded by the office of the Marion County Recorder.

Roof line. The uppermost edge of the water-carrying surface of a building or structure.

Screening. A method of visually shielding or obscuring a nearby structure, building or use on an abutting or adjacent property or lot from another by fencing, walls, berms, or densely planted vegetation.

Setback. The minimum horizontal distance established by ordinance between a proposed right-of-way line or a lot line and the setback line (see Diagram B).

Setback line. A line that establishes the minimum distance a building, structure, or portion thereof, can be located from a lot line or proposed right-of-way line (see Diagram B).

Shrub. A woody plant of relatively low height (not exceeding ten (10) to twelve (12) feet in height), branching from the base.

Side yard. See yard, side.

Sidewalk. A hardsurfaced walk or raised path along and often paralleling the side of the street intended for pedestrian traffic.

Sign. Any structure, fixture, placard, announcement, declaration, device, demonstration or insignia used for direction, information, identification or to advertise or promote any business, product, goods, activity, services or any interests.

Site plan. The development plan, or series of plans, drawn to scale, for one (1) or more lots on which is shown the existing and proposed location and conditions of the lot including as required by ordinance, but not limited to: topography, vegetation, drainage, floodplains, marshes, and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, buildings, structures, signs, lighting and screening devices, center lines of rights-of-way, dimensions.

Storage, outdoor. An outdoor area used for the long-term deposit (more than twenty-four (24) hours) of any goods, material, merchandise, vehicles or junk.

Storage area. An area designated, designed and intended for the purpose of reserving property for a future use and distinguished from areas used for the display of property intended to be sold or leased.

Street, collector. A street primarily designed and intended to carry vehicular traffic movement at moderate speeds (e.g., thirty-five (35) mph) between local streets and arterials while allowing direct access to abutting property(ies) (see Diagram E).

Street, cul-de-sac. A street having only one (1) open end which is permanently terminated by a vehicle turnaround (see Diagram E).

Street, expressway. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

Street, freeway. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

Street, local. A street primarily designed and intended to carry low volumes of vehicular traffic movement at low speeds (e.g., twenty (20) to thirty (30) mph) within the immediate geographic area with direct access to abutting property(ies) (see Diagram E).

Street, marginal access. A local street with control of access auxiliary to and located on the side of an arterial, thoroughfare, expressway, or freeway for service to abutting property(ies) (see Diagram E).

Street, parkway. A street serving through vehicular traffic and equal to or more than five thousand two hundred eighty (5,280) feet in length, the adjoining land on one (1) or both sides of which is predominantly dedicated or used for park purposes, and shall conform to the comprehensive plan and the thoroughfare plan.

Street, primary arterial. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

Street, private. A privately held right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a right-of-way for such purposes. A private street may be comprised of pavement, shoulders, curbs, sidewalks, parking space, and the like.

Street, public. A publicly dedicated, accepted and maintained right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a public right-of-way for such purposes. A public street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and the like.

Street, secondary arterial. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

Structure. A combining or manipulation of materials to form a construction, erection, alteration or affixation for use, occupancy, or ornamentation, whether located or installed on, above, or below the surface of land or water.

Subdivision. The division of any parcel of land shown as a unit, as part of a unit or as contiguous units, on the last preceding transfer of ownership thereof, into two (2) or more parcels or lots, for the purpose, whether immediate or future, of transfer of ownership or building development.

Temporary use. An impermanent land use established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Thoroughfare. A street primarily serving through vehicular traffic, including freeways, expressways, primary arterials, and secondary arterials.

Thoroughfare plan. The segment of the Comprehensive Plan for Marion County, Indiana, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to IC 36-7-4 that sets forth the location, alignment, dimensions, identification and classification of freeways, expressways,

parkways, primary arterials, secondary arterials, or other public ways as a plan for the development, redevelopment, improvement, and extension and revision thereof.

Through lot. See lot, through.

Total gross floor area. See gross floor area, total.

Transitional yard. See yard, transitional.

Trash container. Receptacle intended for the disposal, collection or temporary storage of unsorted waste products or refuse.

Trash enclosure. An accessory structure enclosed on at least three (3) sides; designed and intended to screen and protect waste receptacles from view, and to prevent waste debris from dispersing outside the receptacles or enclosure.

Tree survey. An inventory of all trees on a lot or project before construction, alteration or excavation activity occurs identifying species, location, caliper, and dripline of trees. In the case of large, dense tree stands (those exceeding six hundred (600) square feet in area and seventy-five (75) percent branch coverage of the ground surface), the location of the outer boundary of the tree stands' dripline with a listing of the predominant species and caliper is often substituted for a detailed inventory.

Unit. A single, complete entity.

Visibly obstructed. The view of an object which is blocked by a building or other man-made structure so as to be incapable of being seen from that line of sight.

Walkway. A hardsurfaced walk or raised path for pedestrian traffic.

Warehouse. A building used primarily for the storage of goods and materials.

Warehousing. Terminal facilities for handling freight with or without maintenance.

Wholesaling. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wrecker service. A service in which towing or emergency services are provided to disabled automotive vehicles.

Yard, front. An open space unobstructed to the sky, extending fully across the lot while situated between the front lot line and a line parallel thereto, which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line (see Diagram C).

Yard, rear. An open space unobstructed to the sky extending fully across the lot situated between the rear lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line (see Diagram C).

Yard, required. That portion of any yard abutting a lot line having a minimum depth as area required by the particular zoning district in which it is located (see Diagram C).

Yard, side. An open space unobstructed to the sky extending the length of the lot situated between a side lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the point of contact with any rear or front yards or any lot line, whichever occurs first (see Diagram C).

Yard, transitional required. That portion of any yard abutting a protected district having a minimum depth as required by the particular zoning district in which it is located and acting as a buffer between two (2) or more land uses of different intensity. A transitional yard is a required yard, provided in lieu of the minimum required front, side or rear yard specified for the district in which it is located when an above noted protected district abuts (see Diagram C).

SECTION 17. Section 734-305 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 734-305. On-premises signs; central business district signs (CBD-1, CBD-2, CBD-3 and CBD-S).

The following regulations shall pertain to on-premises business signs in all CBD districts where permitted by section 734-500, Table D, and this section. Off-premises (outdoor advertising) signs in the CBD districts also shall follow the regulations of section 734-306.

Any on-premises business sign erected on a building or lot located within a locally designated historic preservation area as established by, and under the jurisdiction of, the Indianapolis Historic Preservation Commission (IHPC) shall be exempt from the provisions of this section of this chapter. The type, number, area, height, illumination and location of such signs located within such historic preservation areas shall be as determined by the IHPC. The specific standards and requirements for on-premises business signs shall be as set forth in and specified by the grant of a ~~certificated~~ certificate of appropriateness following all procedures set forth by the IHPC.

(a) *Regulations for freestanding identification signs.*

(1) *Where permitted.*

a. *Pole or pylon signs:*

1. Shall be permitted only for surface parking lots in the CBD-1 and CBD-2 Districts.
2. Shall be permitted in the CBD-3 District only for surface parking lots. In no case, however, shall pole or pylon signs be permitted on the street frontage of any lot abutting American Legion Mall, Veterans Memorial Plaza, the Indiana War Memorial or University Park.
3. Shall be permitted in the CBD-S District.

b. *Ground signs* shall be permitted in all CBD districts.

(2) *Maximum sign height.*

- a. *Pole or pylon signs:* The maximum height of a pole or pylon sign and its supporting structure shall not exceed twenty (20) feet above grade level at the base of such structure, subject to the provisions of section 734-304(g), grade mounding.
- b. *Ground signs:* No part of the sign face or the sign support structure of a ground sign shall be more than four (4) feet above grade level, subject to the provisions of section 734-204(g), grade mounding.

(3) *Minimum setbacks, front.*

- a. The minimum setback for freestanding identification pole or pylon signs shall be ten (10) feet from the existing street right-of-way line, provided, however, the provisions of subsection (a)(3)c. below shall also be met.
- b. The maximum setback for freestanding identification ground signs shall be zero (0) feet from the existing street right-of-way line, provided, however, the provisions of subsection (a)(3)c. below shall also be met.
- c. No freestanding identification sign shall be erected within any area designated by the Thoroughfare Plan for Marion County as required for right-of-way for a public street unless the owner of such sign provides a written commitment to the Department of Metropolitan Development to relocate such sign out of the right-of-way at his/her expense upon the acquisition of the property by the applicable governmental agency for transportation purposes and shall waive all claims to damages or compensation by reason of the existence or relocation of the sign.

(4) *Minimum setbacks, side and rear.* If illuminated, no freestanding identification sign facing the side or rear lot line of an abutting lot zoned as a dwelling district shall be located within fifty (50) feet of such side or rear lot line.

Exception: This provision shall not apply if it can be determined that:

- a. A commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon adjoining property or abutting frontage property, although zoned as a dwelling district.
 - b. The illuminated sign is visibly obstructed from the dwelling district.
- (5) *Maximum sign area.* The sign surface area of a freestanding identification sign shall not exceed one (1) square foot in sign surface area for each lineal foot of that lot's street frontage (to which the sign is oriented). In no case, however, shall the maximum sign surface area exceed one hundred (100) square feet.
- (6) *Number of signs.* One (1) freestanding identification sign shall be allowed for each frontage on a separate street.

Exceptions:

- a. *Extensive frontage.* Where a lot has in excess of three hundred (300) feet of street frontage on the same street, one (1) additional freestanding identification sign shall be allowed for each additional three hundred (300) feet of street frontage on that street. Such additional signs shall be subject to all other provisions of this chapter. In no event shall an additional freestanding identification sign, as permitted in this section, be located any closer than three hundred (300) feet to any other freestanding identification sign on the same lot (refer to Diagram 15).
 - b. *Corner lots.* On corner lots, the maximum number and square footage of freestanding identification signs shall be permitted for each street frontage. Such maximum allowances, however, shall not be transferable either in whole or in part from one (1) street to another.
- (b) *Regulations for building identification signs.*

(1) *Lower level building identification signs.* Signs located on:

- the first twenty-six (26) feet of building height; or
 - the actual building height, whichever is lesser (measured from grade), shall be considered lower level building identification signs and shall conform to the following regulations.
- a. *Maximum size for lower level building identification signs.* The maximum sign surface area for lower level building identification signs shall not exceed twenty (20) percent of the facade as noted in the formula below:

$$\text{Maximum permitted sign surface area} = 20\% (A \times B)$$

A = twenty-six (26) feet or the height of the building, whichever is lesser.

B = width of the facade (measured in feet) on which the sign is to be placed.

(The application of this provision is illustrated in Diagram 17).

- b. *Number of lower level building identification signs.* One (1) sign for each basement, grade level or second story occupant of the building shall be permitted.

Exception: Buildings in which a single tenant occupies the entire basement, grade level or second story leasable space, or a leasable space with two hundred (200) or more linear feet of street frontage, may have an additional lower level building identification sign on that street frontage only. Provided, the maximum sign surface area permitted for that facade, as noted in subsection (b)(1)a.1. above shall not be exceeded for the total number of lower level building identification signs.

- c. *Location of lower level building identification signs.* Lower level wall signs shall be located only on facades which front on a street.
- d. *Lower level building identification signs on corner lots or lots which have multiple street frontages.* On buildings having more than one (1) street frontage, the maximum allowable square footage of lower level building identification signs shall be permitted for each

building frontage. Such maximum allowance, however, is not transferable either in whole or in part from one (1) building to another nor from one (1) occupancy to another occupancy.

- e. *Distance from side or rear lot line when abutting a dwelling district.* If illuminated, no building identification sign facing the side or rear lot line of an abutting lot zoned as a dwelling district shall be located within fifty (50) feet of such side or rear lot line.

Exception: This provision shall not apply if it can be determined that:

1. A commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon adjoining property or abutting frontage property, although zoned as a dwelling district; or
 2. The illuminated sign is visibly obstructed from the dwelling district.
- (2) *Upper level building identification signs.* Signs located on a building facade above twenty-six (26) feet in height, measured from grade, shall be considered upper level building identification signs and shall conform to the following regulations:

- a. *Placement.* Upper level building identification signs shall be located on a façade above a height of twenty-six (26) feet, measured from the grade level.
- b. *Maximum size for upper level building identification signs.* The maximum sign surface area for upper level building identification signs shall not exceed ten (10) percent of the facade as noted in the formula below:

Maximum permitted sign surface area = 10% (A X B)

A = height of building (measured from grade, in feet). This figure shall be reduced by subtracting the first twenty-six (26) feet in height of the building, measured from grade level.

B = width of the facade (measured in feet) on which the sign is to be placed.

(The application of this provision is illustrated in Diagram 17).

- c. *Number of upper level building identification signs.* One (1) sign for each facade of the building shall be permitted, provided the maximum sign surface area permitted for that facade, as noted in subsection (b)(1)a.1. above is not exceeded. These signs may identify either the name of the building or a tenant of that building.
 - d. *Location of upper level building identification signs.* Upper level building identification signs shall be located on any facade or architectural elevation of the building. Provided, however, that on buildings having upper level building identification signs on more than one (1) facade, the maximum allowance for a facade is not transferable either in whole or in part from one (1) building to another nor from one (1) occupancy to another occupancy.
- (3) *Wall signs.* Wall signs shall be of individual letter construction in the CBD-1 and CBD-3 Districts. Where construction materials/methods of buildings would pose practical difficulties for the erection of individual letter wall signs, raceways can be used on which the individual letters can be mounted.
- (4) *Roof signs.* Roof signs shall not be permitted in any CBD district.

Exception: Signs that are painted on, or otherwise attached flat and directly to, the roof structure, and which do not extend vertically from the roof structure, shall be permitted on public buildings (those buildings owned, operated, controlled or under some jurisdiction of a unit of federal, state or local government). Signs permitted under this exception shall be regulated as upper level business signs for purposes of sign surface area and number.

- (5) *Roof-integral signs.*

- a. *Where permitted.* Roof integral signs shall be permitted in the CBD-2, CBD-3 and CBD-S Districts.

- b. *Maximum sign area.* Same as section 734-303(b)(1).
- c. *Number of signs.* One (1) roof-integral sign shall be permitted per each building facade (if a single use) or tenant space (if an integrated center), subject to the provisions of section 734-303(b)(1)b.
- d. *Distance from side or rear lot line when abutting a dwelling district.* An illuminated roof-integral sign shall not be permitted within fifty (50) feet of a side or rear lot line of an abutting lot line zoned as a dwelling district when such sign faces such side or rear lot line.

Exception: This provision shall not apply if it can be determined that:

- 1. A commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon adjoining property or abutting frontage property, although zoned as dwelling district.
- 2. The illuminated roof-integral sign is visibly obstructed from the dwelling district.

(6) *Projecting signs.*

- a. *Where permitted.* Projecting signs shall be permitted in any CBD district, except in the CBD-1 District on lots which front Monument Circle. Projecting signs shall be permitted as lower level signs only for basement, grade level or second story occupants of the building.
- b. *Maximum sign area.* The sign surface area of a projecting sign shall not exceed twenty-four (24) square feet.
- c. *Number of signs and placement.* One (1) projecting sign shall be permitted per tenant space, to be placed on the building facade from which the tenant gains direct access into their business.
- d. *Maximum projection from a building and minimum front setback.*
 - 1. No projecting sign or sign structure shall extend more than eight (8) feet from or beyond its supporting building.

Exception: A projecting sign or sign structure shall not extend more than three (3) feet from or beyond its supporting building when such sign or structure is located on and oriented toward East or West Market Street between Capitol Avenue and Alabama Street.
 - 2. The horizontal projection of any projecting sign may extend to a point not closer than two (2) feet from an imaginary perpendicular vertical plane at the street pavement line, curb or outside edge of the sidewalk. Refer to Diagram 11 for illustrative guides to these provisions.
- e. *Clearance from grade.* All portions of a projecting sign or sign structure shall be not less than eight (8) feet above the finished grade.

(7) *Awning or canopy signs.* Awning or canopy signs shall be permitted in any CBD district subject to the regulations of section 734-400, awning and canopy sign regulations.

Exception: An awning or canopy sign or sign structure shall not extend more than three (3) feet from or beyond its supporting building when such sign or structure is located on and oriented toward East or West Market Street between Capitol Avenue and Alabama Street.

(8) *Marquee signs.* Marquee signs shall be permitted in any CBD district subject to the regulations of section 734-401, marquee sign regulations.

Exception: A marquee sign or sign structure shall not extend more than three (3) feet from or beyond its supporting building when such sign or structure is located on and oriented toward East or West Market Street between Capitol Avenue and Alabama Street.

(9) *Suspended signs.*

- a. *Where permitted.* Suspended signs shall be permitted in any CBD district.
- b. *Maximum sign area.* The maximum sign surface area for a suspended sign shall not exceed five (5) square feet.
- c. *Number of signs.* One (1) suspended sign shall be permitted per each building façade (if a single use) or grade level tenant space (if an integrated center).
- d. *Clearance from grade.* All portions of any suspended sign or sign structure shall be not less than eight (8) feet above the finished grade.

Refer to Diagram 13 for illustrative guides to these provisions.

(c) *Regulations for incidental signs.* Incidental signs shall be permitted in any CBD district subject to the regulations of section 734-303(c), incidental signs.

(d) *Window signs.*

- (1) *Where permitted.* Window signs shall be permitted in any CBD District.
- (2) *Maximum sign area.* The sign copy area of window signs shall not exceed twenty (20) percent of the window surface area on which it is placed or through which it is viewed, however, in no case shall the sign copy area exceed 100 square feet.

The sign surface area of window signs shall be calculated separately from the calculation of other signs and shall not be included in the total area of other signs permitted.

The Administrator, upon request by the applicant, shall have the power to modify the requirements of this provision and approve alternatives for those requirements as long as the alternative plan is appropriate for the site and its surroundings and is compatible and consistent with the intent of the stated standards. Such modification shall be noted on the alternative plan, stamped approved by the Administrator and become a part of the requirements for the Improvement Location Permit. Under no circumstances, however, shall the Administrator modify the content of a sign.

(e) *Special regulations for promotional banners.* Temporary promotional banners, located on permanent banner poles or on street light standards structurally modified to accommodate banners, erected by or sanctioned by the City of Indianapolis, shall be permitted in the CBD-1, CBD-2, CBD-3 and CBD-S Districts. Only such banners promoting community activities, cultural or sports programs important to the city's image or economy; or not-for-profit organizations serving the community shall be permitted under this provision. Individual promotional banners may be displayed for a maximum of thirty (30) days. Banners shall not exceed thirty (30) inches wide and eighty-five (85) inches long. A banner program, indicating location of permanent banner poles or street light standards and size of promotional banners to be displayed, shall be submitted for regional center review and approval. The banner program shall also be submitted to the ~~Department of Capital Asset Management~~ division of compliance for its review and approval, if banner poles are proposed to be located within the public right-of-way. Once a banner program has been approved, individual temporary banners shall not require additional approval. Any changes to the banner program, however, shall require the appropriate agency review and approval. An ILP shall not be required if the provisions noted above are satisfied.

SECTION 18. Section 734-501 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 734-501. Construction of language and definitions.

(a) *Construction of language.* The language of this chapter shall be interpreted in accordance with the following regulations:

- (1) The particular shall control the general.
- (2) In the case of any difference of meaning or implication between the text of this chapter and any illustration or diagram, the text shall control.
- (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

- (4) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (5) A "building" or "structure" includes any part thereof.
- (6) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- (7) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either . . . or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either . . . or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

(b) *Definitions.* The words in the text or illustrations of this chapter shall be interpreted in accordance with the definitions set forth below. The illustrations and diagrams in this section provide graphic representation of the concept of a definition; the illustration or diagram is not to be construed or interpreted as a definition itself.

A-Sign. A portable sign containing two (2) sign faces and whose framing is hinged at the apex at an angle less than forty-five (45) degrees (refer to Diagram 30).

Abandoned sign. Any sign or its supporting sign structure which remains without a message or whose display surface remains blank for a period of: a. one (1) year or more (for a sign or its supporting sign structure which conforms to this chapter at the time of adoption); or b. sixty (60) days (for a sign or its supporting sign structure which does not conform to the provisions of this chapter at the time of adoption); or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned.

Administrator. Administrator of the ~~neighborhood and development services~~ division of planning of the department of metropolitan development, or such division having jurisdiction, or their appointed representative.

Advertising sign. Any off-premises sign which directs attention to any business, profession, product, activity, commodity, or service that is offered, sold, or manufactured on property or premises other than that upon which the sign is located. Also known as an outdoor advertising sign.

Alley. Any public right-of-way which has been dedicated or deeded to and accepted by the public for public use as a secondary means of public access to a lot otherwise abutting upon a public street and not intended for traffic other than public services and circulation to and from such lot.

Animated sign. Any sign which includes movement or change of lighting to depict action or create motion, a special effect or a scene. For purposes of this chapter, any changeable copy sign on which the message changes more than eight (8) times per day shall be considered an animated sign.

Awning. A roof-like cover, often of fabric, metal, plastic, fiberglass or glass, designed and intended for protection from the weather or as a decorative embellishment, and which is supported by and projects from a wall or roof of a structure over a window, walk, door, or the like.

Awning sign. A building sign or graphic printed on or in some fashion attached directly to the awning material.

Balloon sign. A temporary sign consisting of a bag made of light-weight material which is filled with a gas lighter than air and designed to rise or float in the atmosphere (refer to Diagram 30).

Banner. Any temporary sign of light-weight fabric or similar material mounted to a pole or a building at one (1) or more edges by a permanent frame. Flags of any government or political subdivision shall not be considered banners (refer to Diagram 30).

Beacon. Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same lot as the light source. Also, any light with one (1) or more beams that rotate or move.

Building. Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having a permanent roof supported by columns or walls.

Building identification sign. Any identification sign attached to any part of a building.

Building marker. Any building identification sign indicating the name of a building, the date of erection and incidental information about its construction and which is cut into a masonry surface or made of bronze or other permanent material.

Business sign. See identification sign.

Canopy. A roof-like cover, often of fabric, metal, plastic, fiberglass or glass, on a support which is supported in total or in part from the ground, providing shelter over, for example, a doorway, outside walk or parking area.

Canopy sign. Any sign that is part of or attached to a canopy, made of fabric, plastic, or structural protective cover over a door, entrance, or window. A canopy sign is not a marquee and is different from service area canopy signs.

Center line of the highway. A line equidistant from the edges of the existing right-of-way separating the main-traveled ways of a divided interstate highway, freeway, expressway, or the center line of the main-traveled way of a nondivided interstate highway, freeway or expressway.

Changeable copy sign. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged electronically or nonelectronically without altering the face or the surface of the sign. The message copy of a changeable copy sign can be changed manually in the field, through the use of changeable letters, numbers, symbols and similar characters, changeable pictorial panels or through the use of rotating panels and other similar devices which are not controlled through remote electronic or electric techniques. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for purposes of this chapter.

Clearance. The distance measured from the bottom of a sign face which is elevated above grade and the grade below (refer to Diagram 33).

Collector street. See street, collector.

Commercial message. Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Construction sign. Any temporary sign which identifies and announces the construction activity on the property by the owner or construction company.

Convenience market. A retail establishment selling a limited number of food items, such as sandwiches, snacks, staple groceries, lottery tickets, household items, and food items prepared on the premises, including reheating, which can be immediately consumed. Such establishments may also provide a facility where gasoline and other motor fuels are stored and subsequently dispensed by use of fixed, approved dispensing equipment by customers of the establishment on a self-service basis.

Corner lot. See lot, corner.

Directional sign. Any incidental sign which serves solely to designate the location or direction of any place or area and, as such, shall be located on the same lot as such place or area.

Directory signs. Any incidental sign which identifies the businesses in an integrated center, in whole or in part, usually with a listing or a graphic representation of some or all of the tenants in the center, and is located in the interior of such center.

Double-faced sign. A sign consisting of two (2) parallel faces supported by a single structure.

Driveway. Access for vehicular movement to egress/ingress between the right-of-way of private or public streets and the required building setback line (refer to Diagram 34).

Electronic variable message sign (EVMS). A sign, or component of a sign, such as an electrically or electronically controlled message center, where the characters, letters, or illustrations can be changed or rearranged either in the field, or from a remote location, without physically altering the face or the surface of the sign.

Entrance roadway. Any public street or turning roadway, including acceleration lanes, by which traffic may enter the main-traveled way of an interstate highway, freeway or expressway from the general street system within Marion County, irrespective of whether traffic may also leave the main-traveled way by such street or turning roadway.

Erect. Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, or any other way of bringing into being or establishing.

Exit roadway. Any public street or turning roadway, including deceleration lanes, by which traffic may leave the main-traveled way of an interstate highway, freeway or expressway to reach the general street system within Marion County, irrespective of whether traffic may also enter the main-traveled way by such street or turning roadway.

Extension. Any vertical or horizontal embellishments to an advertising sign designed as a part of, and integrally incorporated into, the announcement, declaration, device, demonstration or insignia used as a part of such sign (refer to Diagram 35).

Flag. Any fabric or similar light-weight material attached at one (1) end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices used to represent a government or political subdivision.

Flashing sign. A directly or indirectly illuminated sign which exhibits changing light, color or effect by any means, so as to provide intermittent illumination, or which includes the illusion of intermittent or flashing light by means of animation.

Freestanding sign. Any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

Freeway. See street, freeway.

Frontage. The line of contact of a property with the street right-of-way along a lot line. In the case of a corner lot having a rounded or cut property corner, from the intersection of the street right-of-way lines, as extended.

Garage sale sign. Any temporary sign which identifies and announces a garage, yard or similar sale.

Gasoline service station. Any building, land area or other premises or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; which may include as an accessory use minor automotive repairs; the sale and installation of lubricants, tires, batteries; car washes; and similar accessory uses. Such establishments shall provide a facility where gasoline and other motor fuels are stored and subsequently dispensed by use of fixed, approved dispensing equipment by customers or employees.

Governmental sign. Signs designed for control of, or to provide information to, traffic and other regulatory functions and signs of public service companies indicating danger and aids for service or safety which are erected by the order of a public officer in the performance of his/her public duty (see also public signs).

Grade. Grade shall be construed to be the lower of (1) existing grade prior to construction or (2) existing grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign (refer to Diagram 4).

Grade level use. Each use or occupant of what is typically known as the street, ground or first floor of a building.

Ground sign. Any freestanding sign constructed in or on the ground surface with its sign face extending downward to or near the ground surface and which is supported on a frame by one (1) or more uprights or braces (refer to Diagram 31).

Height, sign. The height of the sign shall be computed as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.

Home improvement sign. Any temporary sign which identifies and announces the construction company responsible for the home improvement of the property.

House number and name plates. Any sign which designates the name or the street address, using numbers or plates, of the person(s) occupying the premises.

Identification sign. Any sign which is limited to the name, address and number of a building, institution or person and to the activity carried on in the building or institution, or the occupancy of the person.

Illuminated sign. Any sign which contains an auxiliary design element designed to emanate artificial light internally or externally from the sign, including signs illuminated from the exterior by spotlights or other lighting apparatus directed upon the sign structure either from the ground or from a lighting fixture attached to the exterior of the sign structure.

Incidental sign. A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," "telephone" and other similar directives. No sign with a commercial message legible from any position of the lot on which the sign is located shall be considered incidental.

Information site. An area or site established and maintained within or adjacent to the right-of-way of a highway on the interstate system by or under the supervision or control of a state highway department, wherein panels for the display of advertising and information signs may be erected and maintained.

Interior sign. Any sign not visible from the exterior of the building or structure and located within the interior of any building or structure, or within an enclosed lobby or court of any building.

Integrated center. An area of development (commercial, industrial, or any combination of commercial, industrial and residential uses) of one (1) or more lots, comprised of:

- (1) Two (2) or more individual, unrelated and separately operated uses in one (1) building sharing common site facilities; or
- (2) One (1) or more buildings containing unrelated and separately operated uses occupying a common site, which utilize one (1) or a combination of common site facilities, such as driveway entrances, parking areas, driving lanes, signs, maintenance and similar common services; or
- (3) One (1) or more buildings containing unrelated and separately operated uses occupying individual sites, which are interrelated by the utilization of one (1) or a combination of common facilities, such as driveway entrances, public or private street network, parking areas, maintenance and other services.

Interstate highway. See street, freeway.

Legally established nonconforming sign. Any sign and its support structure lawfully erected prior to the effective date of the adoption of this chapter which fails to conform to the requirements of this chapter. A sign which was erected in accordance with a variance granted prior to the adoption of this chapter and which does not comply with this chapter shall be deemed to be a legal nonconforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.

Legible. Capable of being read with certainty without visual aid by a person of normal visual acuity.

Logo. See trade name.

Lot. A tract of land designated by its owner(s) to be used or developed as a unit under single ownership or control. A lot may or may not coincide with a lot of record and may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record; or

- (3) A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record.

For purpose of this definition, ownership includes:

- (1) The person(s) who holds either fee simple title to the property or is a life tenant as disclosed in the records of the township assessor;
- (2) A contract vendee;
- (3) A long-term lessee (but only if the lease has been recorded at the office of the county recorder and has at least twenty-five (25) years remaining before its expiration at the time of applying for a permit) (refer to Diagram 36).

Lot area. The area of a horizontal plane bounded on all sides by the front, rear, and side lot lines that is available for use or development and does not include any area lying within the right-of-way of any public or private street, alley or easement for surface access (ingress or egress) into the subject lot or adjoining lots.

Lot, corner. A lot abutting upon two (2) or more streets at their intersections, or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees (refer to Diagram 36).

Lot, through. A lot abutting two (2) parallel streets, or abutting two (2) streets which do not intersect at the boundaries of the lot.

Lot line. The legal boundary of a lot as recorded in the office of the Marion County Recorder.

Lot line, front. The lot line(s) coinciding with the street rights-of-way; in the case of a corner lot, both lot lines coinciding with the street rights-of-way shall be considered front lot lines; or in the case of a through lot, the lot line which most closely parallels the primary entrance of the primary structure shall be considered the front lot line, or so declared by the Administrator.

Lot line, rear. A lot line which is opposite and most distant from the front lot line, or in the case of triangularly shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line. However, in the case of a corner lot line, any lot line which intersects with a front lot line shall not be considered a rear lot line.

Lot line, side. Any lot line not designated as a front or rear lot line.

Lot of record. A lot which is part of a subdivision or a lot or a parcel described by metes and bounds, the description of which has been so recorded in the office of the Recorder of Marion County, Indiana.

Maintain. To repair, service or refurbish a sign or structure or any part thereof, in an identical manner or change any identical component of the sign.

Main-traveled way. The traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. The term "main-traveled way" does not include such facilities as frontage roads, turning roadways or parking areas.

Marginal access street. See street, marginal access.

Marquee. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.

Marquee sign. Any building sign painted, mounted, constructed or attached in any manner on a marquee (refer to Diagram 24).

Message center. A sign, component of a sign, which contains a changing message within the copy area which turns on and off or changes electrically or electronically for a specific period of time.

Model home sign. Any temporary sign which identifies and announces a model home.

Mural. A design or representation painted, drawn or similarly applied on the exterior surface of a structure and which does not advertise a business, product, service or activity.

Noncommercial opinion sign. A sign which does not advertise products, goods, businesses, or services and which expresses an opinion or other point of view. A sign which meets the definition of an on-premise sign, an off-premise sign, and/or an advertising sign, shall not be considered a noncommercial opinion sign.

Off-premises sign. A sign which directs attention to a business, profession, commodity, or service offered on the property other than that on which the sign is located.

On-premises sign. A sign which directs attention to a business, profession, commodity, or service offered on the property on which the sign is located.

Outdoor advertising sign. Same as advertising sign.

Owner. Legal owner of property as officially recorded in the office of the Marion County Recorder.

Parapet (wall). That portion of a building wall that rises above the roof level.

Pennant. Any sign of light-weight plastic, fabric, or other similar material, whether or not containing a message of any kind, which is suspended from a rope, wire, or string, usually in a series, and which is designed to move in the wind. Flags of any government or political subdivision shall not be considered pennants (refer to Diagram 30).

Permanent sign. A nontemporary sign designed and intended for long-term use.

Plaque, historic. See building marker.

Pole sign. Any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level (refer to Diagram 31).

Political sign. Any temporary sign designed to announce or identify a person, party, issue of an election or any other subject usually associated with a political election.

Portable sign. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported from place to place, including, but not limited to, signs transported by means of wheels; signs attached to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicle is used in the normal day-to-day operation of the business.

Principal building. The building in which is conducted the principal primary use of the lot. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other uses clearly accessory to the primary use shall not be considered principal buildings.

Projecting sign. Any sign which is affixed to a building or wall in such a manner that its leading edge extends more than eighteen (18) inches beyond the surface of such building or wall face (refer to Diagram 31).

Project sign (residential). A type of identification sign designed to identify a residential development permitted in the D-6, D-6II, D-7, D-8, D-9, D-10, D-11 or D-P dwelling districts.

Protected areas. All areas inside the boundaries of Marion County which are adjacent to and within six hundred sixty (660) feet of the edge of the right-of-way of all highways within the county. When a highway terminates at a county boundary which is not perpendicular or normal to the center line of the highway, the term "protected areas" also refers to all areas inside the boundary of such county which are within six hundred sixty (660) feet of the edge of the right-of-way of the highway in the adjoining county.

Protected district. Specific classes of zoning districts which, because of their low intensity or the sensitive land uses permitted by them, require additional buffering and separation when abutted by certain more intense classifications of land use. A protected district shall include any dwelling district, hospital district, park district, university quarter district, SU-1 (church) district or SU-2 (school) district.

Public notice. Official notice posted by public officers or their representative in the performance of their duties.

Public signs. Any sign required or specifically authorized for a public purpose by any law, statute or ordinance which may be of any type, number, area, height above grade, location, illumination or animation, required by the law, statute or ordinance under which the signs are erected (see also governmental sign).

Public way. Any public street, alley, sidewalk or other public thoroughfare.

Pump island sign. Any sign either affixed directly to a gasoline pump or otherwise attached to the pump or pump island (refer to Diagram 25).

Pylon sign. Any freestanding sign anchored in the ground with its sign face extending upward from the ground surface and which has a height exceeding four (4) feet (refer to Diagram 31).

Real estate sign. Any temporary sign which announces the sale, rental, or lease of property by the owner or real estate company.

Residential sign. Any sign located in a district zoned for residential uses that contains no commercial messages except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the zoning ordinance.

Right-of-way. Specific and particularly described land, property, or interest therein devoted to and subject to the lawful use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities as officially recorded by the office of the Marion County Recorder.

Right-of-way, private. Specific and particularly described strip of privately held land, property, or interest therein devoted to and subject to use for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as officially recorded by the office of the Marion County Recorder.

Right-of-way, proposed. Specific and particularly described land, property, or interest therein devoted to and subject to the lawful public use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially described in the Marion County Thoroughfare Plan as adopted and amended by the Metropolitan Development Commission.

Right-of-way, public. Specific and particularly described strip of land, property, or interest therein dedicated to and accepted by the municipality to be devoted to and subject to use by the general public for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as officially recorded by the office of the Marion County Recorder.

Roof. The water-carrying surface of a building or structure, the structural makeup of which conforms to the roof structures, roof construction and roof covering sections of the Uniform Building Code.

Roof-integral sign. Any building sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, so that no part of the sign extends vertically above the roof (refer to Diagrams 10 and 31).

Roof line. The uppermost edge of the water-carrying surface of a building or structure.

Roof sign. Any building sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the roof (refer to Diagram 31).

Rotating sign. Any sign or portion of a sign designed to revolve or move in a similar manner by means of electrical power.

Scenic area. An area of particular scenic interest or historical significance which is designated by or pursuant to local or state law as a scenic area.

Seasonal or holiday display. Any temporary display, such as Christmas decorations, used for a holiday and installed for a short, limited period of time.

Service area canopy. Any structural protective cover that is not enclosed on any of its four (4) sides and is provided for the service area designated for the dispensing or installation of gasoline, oil, antifreeze, headlights, wiper blades and other similar products and the performance of minor services for customers as related to such dispensing or installation.

Service area canopy sign. Any sign that is part of or attached to the service area canopy.

Service station, gasoline. See gasoline service station.

Setback. The minimum horizontal distance established by ordinance between a street right-of-way line or a lot line and the setback line (refer to Diagram 37).

Setback line. A line that establishes the minimum distance that a building, structure, sign, or portion thereof, can be located from a lot line or proposed right-of-way line (refer to Diagram 37).

Sign. Any structure, fixture, placard, announcement, declaration, device, demonstration or insignia used for direction, information, identification or to advertise or promote any business, product, goods, activity, services or any interests.

Sign area. The area of a sign face (which is also the sign area of a wall sign or other sign with only one (1) face). Sign area shall be computed by using the smallest square, rectangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself (refer to Diagrams 1 and 2).

Sign encroachment. The placement of any sign or sign support structure or the extension of any part of a sign or sign structure into a required yard, street right-of-way or alley right-of-way.

Sign face. The surface of the sign upon, against, or through which the message of the sign is exhibited.

Sign structure. Any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.

Sign type. A functional description of the use of an individual sign. Includes but is not limited to identification, incidental, residential and advertising.

Spandrel. A roof-like structure that covers the gasoline pump dispenser, serves as a second-tier canopy, is a lighting source for the dispensing area, serves to identify the gasoline pumps by numerical designation, and may display signage.

Spandrel sign. Any sign that is a part of or attached to the spandrel structure.

Street, collector. A street primarily designed and intended to carry vehicular traffic movement at moderate speeds (e.g., thirty-five (35) mph) between local streets and arterials with direct access to abutting property(ies).

Street, cul-de-sac. A street having only one (1) open end which is permanently terminated by a vehicle turnaround.

Street, expressway. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

Street facade. Any separate external face of a building, including parapet walls and omitted wall lines, oriented to and facing a public or private street. Separate faces oriented in the same direction or within forty-five (45) degrees of one another are considered part of the same street facade.

Street, freeway. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

Street, local. A street primarily designed and intended to carry low volumes of vehicular traffic movement at low speeds (e.g., twenty (20) to thirty (30) mph) within the immediate geographic area with direct access to abutting property(ies).

Street, marginal access. A local street with control of access auxiliary to and located on the side of an arterial, thoroughfare, expressway, or freeway for service to abutting property(ies).

Street, parkway. A street serving through vehicular traffic and equal to or more than five thousand two hundred eighty (5,280) feet in length, the adjoining land on one (1) or both sides of which is predominantly dedicated or used for park purposes, and shall conform to the comprehensive plan and thoroughfare plan.

Street, primary arterial. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

Street, private. A privately held right-of-way, with the exception of alleys, essentially open to the sky and open for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a right-of-way for such purposes. A private street may be comprised of pavement, shoulders, curbs, sidewalks, parking space, and the like.

Street, public. A publicly dedicated, accepted and maintained right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a public right-of-way for such purposes. A public street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and the like.

Street, secondary arterial. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

Structure. A combination or manipulation of materials to form a construction, erection, alteration or affixation for use, occupancy, or ornamentation, whether located or installed on, above, or below the surface of land or water.

Subdivision. The division of any parcel of land shown as a unit, as part of a unit or as contiguous units, on the last preceding transfer of ownership thereof, into two (2) or more parcels or lots, for the purpose, whether immediate or future, of transfer of ownership or building development.

Subdivision sign. A type of identification sign designed to identify a residential subdivision.

Suspended sign. Any building sign that is suspended from the underside of a horizontal plane surface and is connected to this surface (refer to Diagrams 13 and 32).

Symbols or insignias. Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies.

T-sign. A portable sign utilizing an inverted "T" style of framing structure to support the sign (refer to Diagram 30).

Temporary sign. Any sign or sign structure which is not permanently affixed or installed, and is intended to be displayed for a limited period only. Examples of such signs include, but are not limited to, the following: real estate, construction, special event, political, garage sale, home improvement/remodeling, model home and seasonal (holiday) signs.

Thoroughfare. A street primarily serving through vehicular traffic, including freeways, expressways, primary arterials, and secondary arterials.

Thoroughfare plan. The segment of the Comprehensive Plan for Marion County, Indiana, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to IC 36-7-4, that sets forth the location, alignment, dimensions, identification and classification of freeways, expressways, parkways, primary arterials, secondary arterials, or other public ways as a plan for the development, redevelopment, improvement, and extension and revision thereof.

Time and temperature displays. A limited function display which, through analogical or digital methods, electronically presents the time of day or the current temperature or one (1) other piece of information such as the Dow Jones average (either accrued total or change) in a nontraveling mode of operation. Displays which, through their configuration, are capable of presenting other electronic messages shall be considered electronic variable message signs.

Tombstone. Any cemetery marker or grave indicator.

Trade name. Any brand name, trademark, logo, distinctive symbol, or other similar device or thing used to identify a particular business, institution, activity, place, person, product or service.

Traveled way. The portion of a roadway for the movement of vehicles, exclusive of shoulders.

Turning. A connecting roadway for traffic turning between two (2) intersecting legs of an interchange, between two (2) interstate highways.

Valance. A vertically hanging or suspended fringe on an awning or canopy, often used as a decorative element.

Visible. Capable of being seen by a person of normal visual acuity (whether legible or not) without visual aid.

Visibly obstructed. The view of a sign which is blocked by a building or other man-made structure so as to be incapable of being seen from that line of sight.

Wall. Any structure which defines the exterior boundaries or courts of a building or structure and which has a slope of sixty (60) degrees or greater with the horizontal plane.

Wall sign. Any building sign attached parallel to, but within eighteen (18) inches of, a wall, painted on the wall surface of, or erected on an outside wall of any building or structure, which is supported by such wall or building with no more than fifty (50) percent of the sign structure extending above the wall, to a maximum extension of four (4) feet, and which displays only one (1) sign surface (refer to Diagram 32).

Wind sign. A sign of light-weight fabric or similar material attached at one (1) end to a pole or similar apparatus so as to swing freely, inflate and flutter by movement of the wind (refer to Diagram 30).

Window sign. Any sign that is placed: 1) inside of, and within two (2) feet of, a window; or 2) upon the window panes or glass, and is visible from the exterior of the window (refer to Diagram 32).

SECTION 19. Section 735-101 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 735-101. Airport Special Use District regulations.

(a) No use permitted in the Airport Special Use District shall cause injury or damage to adjacent land uses, property or the public health, safety or welfare. Provided, however, that compliance by such public airport with all applicable safety and operational standards and regulations of the Federal Aviation Agency and other applicable federal aviation regulatory authorities shall be deemed compliance with this subsection's requirements, as applied to navigation and flight operational uses.

(b) All uses within the Airport Special Use District shall be served by and have access only from interior access roads located within such district to carry vehicular traffic to and from major entrances and exits serving the airport, and designated and constructed in accordance with street standards as specified by the "Standard Specification," Indiana Department of Transportation (8-17-1-39), 1988 Edition, the Indiana Department of Transportation Supplemental Specifications, and the Indianapolis Department of ~~Transportation (IDOT)~~ Public Works (DPW) Standards for Street and Bridge Design and Construction. In the event ~~IDOT~~ DPW specifications conflict with the Indiana Department of Transportation Standard Specifications, the most stringent specifications shall govern. The "Standard Specifications" of the Indiana Department of Transportation (IDOT) are incorporated into this article by reference. Two (2) copies of the "Standard Specifications" are on file and available for public inspection in the office of the ~~neighborhood and development services~~ division of planning.

(c) For each use permitted within the Airport Special Use District, adequate off-street parking area with concrete or bituminous paved surface shall be provided. Such parking area shall not be located within one hundred (100) feet of any boundary of the Airport Special Use District, unless a compact hedge or row of shrubbery of at least four (4) feet in height is provided between such parking area and district boundary. In no case shall such parking area be located closer to a district boundary than ten (10) feet.

(d) No building or structure, or part thereof, shall be located within one hundred (100) feet of any boundary of the Airport Special Use District, and such one-hundred-foot buffer area shall be maintained in turf, plant material or as off-street parking area, as provided in subsection (c) above.

(e) Prior to Improvement Location Permit issuance for any building or structure within the Airport Special Use District, the plat or site plan for such building or structure, in conformity with all applicable zoning requirements, shall be filed with the Department of Metropolitan Development of Marion County, Indiana.

SECTION 20. Section 735-104 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 735-104. Airspace district regulations.

The following regulations shall apply to all land within the airspace district. These regulations shall be in addition to all other primary or secondary zoning district regulations applicable to such land; in case of conflict, the more restrictive regulations shall control.

(a) *Use.*

(1) *Prohibited uses--Airport.* Within that part of the airport instrument and airport noninstrument approach surface areas and airport transitional surface areas of the official zoning map, which extend within ten thousand (10,000) feet from each end of a runway measured horizontally along the extended centerline of such runway, no building, structure or premises shall be erected, relocated or converted for use as a school, church, child caring institution, hospital, stadium, sports arena, public swimming pool, picnic grounds, public auditorium, theatre, assembly hall, carnival, amusement park, correctional institution or any other public assembly use.

(2) *Prohibited uses--Heliport.* Within that part of the heliport surface areas and heliport transitional surface areas of the airspace district, as defined in section 735-105 and designated on the official zoning map, which extend four thousand (4,000) feet from the designated landing and takeoff area of the heliport, no building, structure or premises shall be erected, relocated or converted for use as a school, church, child caring institution, hospital, stadium, sports arena, public swimming pool, picnic grounds, public auditorium, assembly hall, carnival, amusement park, correctional institution or any other public assembly use.

(b) *Height limits--Airports.* Except as otherwise provided herein, no structure or tree shall be erected, altered, allowed to grow or maintain within the airspace district to a height in excess of the following height limits herein established for the applicable airport instrument approach surface area, airport noninstrument approach surface area, airport transitional surface area, airport horizontal surface area and airport conical surface area, as defined in section 735-105 and designated on the official zoning map. (Such height limits shall be computed from the applicable runway elevation or airport elevation as designated on the official zoning map).

(1) *Height limits for the airport instrument approach surface area shall be:* One (1) foot in height for each one hundred (100) feet in horizontal distance beginning at a point two hundred (200) feet from the end of the instrument runway and extending to a distance of ten thousand two hundred (10,200) feet from the end of the runway; thence one (1) foot in height for each fifty (50) feet in horizontal distance to a point fifty thousand two hundred (50,200) feet from the end of the runway.

(2) *Height limits for the airport noninstrument approach surface area shall be:* One (1) foot in height for each fifty (50) feet in horizontal distance beginning at a point two hundred (200) feet from the end of the noninstrument runway and extending to a point five thousand two hundred (5,200) feet from the end of the runway; thence one (1) foot in height for each sixteen (16) feet in horizontal distance to a horizontal distance of ten thousand two hundred (10,200) feet from the end of the runway.

(3) *Height limits for the airport transitional surface area shall be:* One (1) foot in height for each seven (7) feet in horizontal distance beginning at a point two hundred fifty (250) feet from the centerline of noninstrument runways, measured at right angles to the longitudinal centerline of the runway, extending upward to a maximum height of one hundred fifty (150) feet above the established airport elevation as indicated on the official zoning map; one (1) foot vertical height for each seven (7) feet of horizontal distance measured from the outer lines of all

instrument and noninstrument approach surface areas for the entire length of such approach surface areas, extending to their intersection with the outer line of the conical surface area; and, beyond such points of intersection, beginning at the outer lines of all instrument approach surface areas and extending a horizontal distance to five thousand (5,000) feet therefrom, measured at right angles to the continuation of the runway centerline, one (1) foot vertical height for each seven (7) feet of horizontal distance.

- (4) *Height limit for the airport horizontal surface area shall be:* One hundred fifty (150) feet above the established airport elevation as indicated on the official zoning map.
- (5) *Height limit for the airport conical surface area shall be:* One (1) foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal surface area and measured perpendicularly to the periphery of the horizontal surface area to a height of three hundred fifty (350) feet above the airport elevation. Provided, however, if any area is subject to more than one (1) of the above height limitations, the more restrictive limitation shall control. Provided, further, however, nothing in this article shall be construed as prohibiting the erection, construction, growth or maintenance of any structure or tree to a height of fifty (50) feet or less above the surface of the land.

(c) *Height limits--Heliports.* Except as otherwise provided herein, no structure or tree shall be erected, altered, allowed to grow or maintained within the airspace district to a height in excess of the following height limits herein established for the applicable heliport approach surface area and heliport transitional surface area, as defined in section 735-105 and designated on the official zoning map. (Such height limits shall be computed from the applicable heliport landing and takeoff area elevation as designated on the official zoning map).

- (1) *Height limit for the heliport approach surface area shall be:* One (1) foot in height for each eight (8) feet in horizontal distance beginning at the end of the heliport primary surface (such primary surface coinciding in size and shape with the designated takeoff and landing area of the heliport) with the same width as the primary surface and extending outward and upward from a horizontal distance of four thousand (4,000) feet where its width is five hundred (500) feet.
- (2) *Height limit for the heliport transitional surface area shall be:* One (1) foot in height for each two (2) feet in horizontal distance extending outward and upward from the lateral boundaries of the heliport primary surface and from the approach surface for a distance of two hundred fifty (250) feet measured horizontally from the centerline of the primary and approach surfaces. Provided, however, if any area is subject to more than one (1) of the above height limitations, the more restrictive limitation shall control. Provided further, however, nothing in this article shall be construed as prohibiting the erection, construction, growth or maintenance of any structure or tree to a height of fifty (50) feet or less above the surface of the land.

(d) *Performance standards.* The following performance standards shall apply to all land within the perimeter of the airport conical surface area and heliport transitional surface area as defined in section 735-105 and indicated on the official zoning map.

- (1) *Interface with communications.* No use shall create interface with any form of communication, the primary purpose of which is for air navigation.
- (2) *Glare; marking and lighting of airspace hazards.*
 - a. All lights shall be located or shielded in such a manner that they do not interfere with runway, taxi, tower or any other airport and heliport lights or result in glare which may interfere with the use of the airport and heliport in landing, taking-off or maneuvering of aircraft.
 - b. Such markers and lights as may be required by the Indianapolis Airport Authority to indicate to air crews the presence of structures or trees constituting airspace hazards, as defined in section 735-105, shall be permitted.
- (3) *Smoke, dust, particulate matter.*
 - a. The emission of smoke, dust, particulate matter and any other airborne material shall be subject to the standards of Chapter 511 of this Code and regulations adopted pursuant thereto (a copy of which is on file in the office of the ~~Neighborhood and Development Services~~ Division of Planning of the Department of Metropolitan Development of Marion

County, Indiana, and which standards and regulations are hereby incorporated by reference and made a part hereof).

- b. No use shall cause smoke, dust, particulate matter or airborne material of any kind to escape beyond the lot lines in a manner detrimental to or endangering the visibility of air crews using the airport and heliport in landing, taking-off or maneuvering of aircraft.

SECTION 21. Sections 735-202 through 735-205 of the "Revised Code of the Consolidated City and County," inclusive, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 735-202. Central Business District One (CBD-1 regulations).

(a) *Permitted CBD-1 uses.* Permitted uses in the CBD-1 District shall conform to the regulations of section 735-201, the CBD-1 development standards of section 735-202(b) and the CBD-1 performance standards of section 735-202(c). The following uses shall be permitted in the CBD-1 District:

- (1) Accessory off-street parking within buildings, anywhere within the CBD-1, provided:
 - a. The gross floor area devoted to off-street parking, including access drives and maneuvering space, does not exceed twenty-five (25) percent of the total gross floor space of the building in which such off-street parking is located; and
 - b. Such off-street parking shall be incidental and accessory to the primary use or uses of the building in which such off-street parking is located.
- (2) Apartment hotels, hotels, motels.
- (3) Apartments.
- (4) Banks; savings and loan offices.
- (5) Business, professional and customer service offices.
- (6) Drive-in services (not including goods and food) shall be permitted in the CBD-1 District by special exception only upon grant of a special exception by the Metropolitan Board of Zoning Appeals as set forth in section 735-206. (Drive-in establishments offering goods or food to customers waiting in cars shall not be permitted.)
- (7) Off-street parking garages, and accessory uses and facilities therefor, provided the lot obtains access only from one (1) or more of the streets noted in section 735-202(b)(3). On lots obtaining access from any other street within the CBD-1 District (excepting Monument Circle), off-street parking garages shall be permitted by special exception only, upon grant of a special exception by the Metropolitan Board of Zoning Appeals as set forth in section 735-206.
- (8) Off-street parking lots. Provided, however, parking lots or other at- or near-grade open-to-the-air parking uses, commercial or private, shall be permitted only for a period not exceeding five (5) years in the area bounded by Talbott Street to the west, East Ohio Street to the north, North Delaware Street to the east, and East Washington Street to the south.
- (9) Offices, sales and display rooms for wholesalers, distributors, warehouses, and manufacturers' agents, including stock, accessory storage, or warehouse space, provided:
 - a. Such accessory stock, storage and warehouse space does not exceed seventy-five (75) percent of the total net floor area of the combined office, sales, display, and accessory storage and warehouse space used in the same building by the same firm or enterprise; and
 - b. In no case shall more than twenty-five (25) percent of the total net floor area in any single building be devoted to such accessory stock, storage and warehouse space.

(In the case of two (2) or more contiguous buildings under single ownership or lease, for purposes of a. and b. above, such contiguous buildings shall be considered as one (1) building).

- (10) Outdoor retail sales of beverages, flowers and food from carts on sidewalks and public areas, subject to the provisions of Chapter 961 of this Code.
- (11) Printing establishments.
- (12) Processing or manufacturing of goods by retailers and wholesalers, provided:
 - a. The net floor area occupied by such processing or manufacturing plus storage and warehouse space does not exceed seventy-five (75) percent of the total net floor area used in the same building by the same firm or enterprise; and
 - b. In no case shall more than twenty-five (25) percent of the total net floor area in any single building be devoted to such processing, manufacturing, storage and warehouse space.

(In the case of two (2) or more contiguous buildings under single ownership or lease, for purposes of a. and b. above, such contiguous building shall be considered as one (1) building.)
- (13) Public and semipublic structures, parks and open space.
- (14) Public utilities.
- (15) Retail sales and service establishments, provided, however, automobile service stations, repair garages, auto sales or service centers or car washes or other similar or comparable service to automotive vehicles or customers in such vehicles shall be prohibited in the CBD-1 District in an area bounded by Talbott Street to the west, East Ohio Street to the north, North Delaware Street to the east, and East Washington Street to the south.
- (16) Sales of beverages, flowers and food from a portion of the sidewalk abutting the same business premises, subject to the additional provisions of section 735-202(b)(1)b.
- (17) Theatres, auditoriums or indoor commercial amusement/recreation establishments (no adult entertainment business permitted).
- (18) Transportation facilities and accessory facilities therefor, including but not limited to, waiting rooms, loading docks, storage and associated commercial uses.
- (b) *CBD-1 development standards.*
 - (1) *Use.*
 - a. All sales, servicing, processing, manufacturing and storage shall be conducted within completely enclosed buildings, except that the display or sale of merchandise may be conducted on open space on the lot, if such open space is located within or is enclosed on three (3) or more sides by the outer dimensions of the building.
 - b. Retail sales on sidewalks abutting a business.
 - 1. Retail sales of beverages, flowers and food may be carried out on a portion of the sidewalk abutting the same business premises provided:
 - (a) Regional center approval is obtained.
 - (b) Permission is secured from the appropriate governmental unit to use the right-of-way.
 - (c) A detailed site plan showing the use and location all furniture and equipment (including tables, barriers, chairs, signs, awnings, trash receptacles and umbrellas) on the portion of the sidewalk, the color and design of such furniture and equipment, and the movement of people on the portion of the sidewalk must be approved by the Administrator of the ~~neighborhood and development services~~ division of planning.
 - c. Taverns, package liquor stores, night club establishments, and such establishments where alcoholic beverages may be carried out (except drug stores or grocery stores) shall:
 - 1. Provide adequate outdoor convenience trash containers; and

2. Erect and maintain a decorative fence or wall along the perimeter of any outdoor seating area; and
 3. Not be located within one hundred (100) feet, measured in any direction, of a protected district. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the protected district except when such establishment is separated from such protected district by an intervening street (see section 735-207, Diagram A); and
 4. Not be located within five hundred (500) feet, measured in any direction, of any indoor commercial amusement/recreation establishment which caters to, or markets itself predominantly to, persons under twenty-one (21) years of age. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the property line of the subject indoor commercial amusement/recreation establishment.
- d. Any indoor commercial amusement/recreation establishment which caters to, or markets itself predominantly to, persons under twenty-one (21) years of age shall not be located within five hundred (500) feet, measured in any direction, of any tavern, package liquor store, night club establishment, or such establishment where alcoholic beverages may be carried out (except drug stores or grocery stores). The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the property line of the subject tavern, package liquor store, night club, or establishment where alcoholic beverages may be carried out.
- e. Trash containers exceeding six (6) cubic feet shall:
1. Be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any protected district, nor shall it be viewed from any street frontage; and
 2. Be located behind the established front building line; and
 3. Not be located within a required yard or required transitional yard.
- (2) *Bulk control.*
- a. *Maximum lot coverage and minimum setback:* One hundred (100) percent lot coverage shall be permitted, and no front, side or rear setbacks shall be required. Provided, however, if a rear or side setback is provided along any rear or side lot line not abutting an alley, such setback depth shall be not less than ten (10) feet.
 - b. *Height limitations - sky exposure plane:* With the exceptions of signs, there shall be no height limitations in the CBD-1 District other than the following sky exposure plane controls, which shall apply to the erection, expansion and alteration of all buildings or other structures in the CBD-1 District.
 1. The Sky Exposure Plane One (1) (as defined in section 735-207) shall be applied to all lots within the CBD-1 District abutting:
 - (a) New York Street
 - (b) Ohio Street
 - (c) Market Street
 - (d) Washington Street
 - (e) Maryland Street
 - (f) Capitol Avenue
 - (g) Illinois Street

- (h) Meridian Street
- (i) Pennsylvania Street
- (j) Delaware Street
- (k) Indiana Street
- (l) Massachusetts Avenue
- (m) Kentucky Avenue
- (n) Virginia Avenue

Provided, however, the Sky Exposure Plan Three (3) (as defined in section 735-207) shall be applied to all lots abutting Monument Circle.

- 2. No part of any building or other structure on any lot shall penetrate the applicable sky exposure plane except as follows: A building or other structure may penetrate the Sky Exposure Plane One provided that the area of all architectural elevation facing the street, of all buildings and other structures on the lot (including those portions thereof violating the sky exposure plane) when projected back to the base of the sky exposure plane, establishes an area at the lot line not in excess of the total area of the lot frontage plane (an imaginary vertical plane, having a base coextensive with the front line and extending vertically to its termination at the intersection of the applicable sky exposure plane).

(3) *Off-street parking.*

- a. *Parking garages.* Off-street parking garages shall be subject to the following requirements:

Entrances and exits:

- 1. Vehicular entrances and exits to off-street parking garages shall be provided only on the following streets:
 - (a) East New York Street; West New York Street.
 - (b) East Maryland Street; West Maryland Street.
 - (c) North Capitol Avenue; South Capitol Avenue.
 - (d) North Delaware Street; South Delaware Street.
 - (e) West Washington Street between Illinois Street and Capitol Avenue.
 - (f) West Ohio between Illinois Street and Capitol Avenue.
 - (g) North Pennsylvania Street between Ohio Street and New York Street; South Pennsylvania Street between Maryland Street and Washington Street.
 - (h) North Illinois Street between Ohio Street and New York Street; South Illinois Street between Maryland Street and Washington Street.
 - (i) Indiana, Massachusetts, Kentucky and Virginia Avenues.
 - (j) East Washington Street between Pennsylvania Street and Delaware Street.
- 2. Off-street parking entrances or exits shall be located a minimum distance of twenty-five (25) feet from the nearest point of two (2) intersecting street right-of-way lines. Such access cuts shall further conform to all requirements of the traffic engineering departments having jurisdiction thereof.
- 3. Vehicular entrances and exits to off-street parking garages shall not be provided on any alley except for emergency purposes only.

b. *Parking lots.* Off-street parking lots shall be subject to the following requirements:

1. The parking area shall not be used for permanent storage or the display, advertisement, sale, repair, dismantling or wrecking of any vehicle, equipment or materials.
2. Parking areas shall be paved with concrete or improved with a compacted macadam base, and surfaced with an asphaltic pavement to adequately provide a durable and dust-free surface. Parking areas shall be maintained in good condition and free of weeds, dirt, trash and debris.
3. The surface shall be graded and drained in such a manner that there be no free flow of water onto either adjacent properties or sidewalks.
4. The parking area shall be provided with bumper guards or wheel guards so located that no part of the parked vehicles will extend beyond the boundary of the established parking area.
5. Lighting facilities used to illuminate the parking areas shall be so located, shielded and directed upon the parking area that they do not glare onto or interfere with street traffic, adjacent buildings, or adjacent uses.

(4) *Off-street loading.*

a. *Location.*

1. All off-street loading areas shall be located within two hundred (200) feet of the lot served.
2. Off-street loading facilities for separate lots may be provided collectively if:
 - (a) Such loading facilities are within two hundred (200) feet of all establishments served thereby; and
 - (b) The size of the collective loading area is determined (in accordance with e. below), by the sum of the total adjusted net floor area for all buildings served by such collective off-street loading facilities.
3. Each off-street loading area shall be located with direct vehicular access to an alley only, and in a manner which will least interfere with traffic movements and such that no vehicle or part thereof will protrude into an alley, street or public right-of-way.

b. *Size of off-street loading space.* An off-street loading space shall be at least five hundred (500) square feet in area, exclusive of maneuvering area.

c. *Surfacing.* All open off-street loading areas shall be paved with concrete, or improved with a compacted macadam base, and surfaced with an asphaltic surface which shall be maintained in good condition and free of weeds, dirt, trash and debris.

d. *Repair and service.* No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities, except for emergencies developing during occupation of such facilities.

e. *Number of required off-street loading spaces.*

1. The number of required off-street loading spaces is based upon the building total adjusted net floor area as defined in section 735-207.
2. Off-street loading spaces shall be provided in accordance with the following minimum requirements:

<i>Total Adjusted Net Floor Area of Building (Square Feet)</i>	<i>No. of Loading Spaces Required</i>
0--10,000	None
10,001--100,000	1
100,001--350,000	2
350,001--600,000	3
600,001--850,000	4
850,001--1,100,000	5

For each additional three hundred fifty thousand (350,000) square feet of net floor area over one million one hundred thousand (1,100,000) or fraction thereof, one (1) additional loading space shall be provided.

(5) *Signs.* Signs and sign structures shall comply with Chapter 734 of this Code.

(c) *CBD-1 performance standards.* All uses established or placed into operation after the effective date of this article shall comply with the following standards. No use in existence on the effective date of this article shall be so altered or modified as to conflict with these standards.

- (1) *Vibration.* No use shall cause earth vibrations or concussions detectable beyond the lot lines without the aid of instruments.
- (2) *Smoke, dust and particulate matter.* Smoke, dust, particulate matter, or any other airborne material shall be subject to the standards and regulations of Chapter 511 of this Code, which is on file in the office of the ~~Neighborhood and Development Services Division of Planning~~, Department of Metropolitan Development of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof.
- (3) *Noxious matter.* No use shall discharge across the lot lines noxious, toxic or corrosive matter, fumes or gases in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
- (4) *Odor.* No use shall emit across the lot lines odor in such quantities as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
- (5) *Sound.* No use shall produce sound in such a manner as to endanger the public health, safety or welfare or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat frequency, shrillness or vibration.
- (6) *Heat and glare.* No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.
- (7) *Waste matter.* No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana, the Indiana State Board of Health, the Stream Pollution Control Board of the State of Indiana, and the Department of Public Works, or in such a manner as to endanger the public health, safety or welfare or cause injury to property.

Sec. 735-203. Central Business District Two regulations.

(a) *Permitted CBD-2 uses.* Permitted uses in the CBD-2 District shall conform to the regulations of section 735-201, the CBD-2 development standards of section 735-203(b) and the CBD-2 performance standards of section 735-203(c). The following uses shall be permitted in the CBD-2 District:

- (1) Attached multifamily dwellings, as defined in section 735-207.
- (2) Banks, savings and loan offices.
- (3) Business, professional and consumer service offices.
- (4) City market place.
- (5) Dwelling unit(s), as defined in section 735-207.

- (6) Hotel, motel.
- (7) Off-street parking garages.
- (8) Off-street parking lots, provided, however, parking lots or other at- or near-grade open-to-the-air parking uses, commercial or private, shall be permitted only for a period not exceeding five (5) years in the area bounded by: North Delaware Street on the west, lots fronting on the north side of East Ohio Street between Delaware and Ogden Streets on the north, lots fronting on Alabama Street between Ohio and Pearl Streets on the east, and Pearl Street on the south.
- (9) Off-street parking (accessory) within buildings.
- (10) Outdoor retail sales of beverages, flowers and food from carts on sidewalks and public areas, subject to the provisions of Chapter 961 of this Code.
- (11) Printing establishments.
- (12) Processing, repairing, or manufacturing goods by retailers and wholesalers, provided:
 - a. The net floor area occupied by such processing, repairing, or manufacturing plus storage and warehouse space does not exceed seventy-five (75) percent of the total net floor area used in the same building by the same firm or enterprise; and
 - b. In no case shall more than fifty (50) percent of the total net floor area in any single building be devoted to such processing, repairing, manufacturing, storage and warehouse space.

(In the case of two (2) or more contiguous buildings under single ownership or lease, for purposes of a. and b. above, such contiguous buildings shall be considered as one (1) building.)

- (13) Public and semipublic structures, parks and open space.
- (14) Public utilities.
- (15) Retail sales and service establishments, provided, however, automobile service stations, repair garages, auto sales or service centers or car washes or other similar or comparable service to automotive vehicles or customers in such vehicles shall be prohibited in the CBD-2 District in an area bounded by: North Delaware Street on the west, lots fronting on the north side of East Ohio Street between Delaware and Ogden Streets on the north, lots fronting on Alabama Street between Ohio and Pearl Streets on the east, and Pearl Street on the south.
- (16) Sales of beverages, flowers and food from a portion of the sidewalk abutting the same business premises, subject to the additional provisions of section 735-203(b)(1)c.
- (17) Theatres, auditoriums or indoor commercial amusement/recreation establishments (no adult entertainment business permitted).
- (18) Transportation facilities and accessory facilities therefor including but not limited to waiting rooms, loading docks, storage and associated commercial uses.
- (19) Wholesaling and warehousing establishments.
- (b) *CBD-2 development standards.*
 - (1) *Use.*
 - a. Outdoor display. Outdoor display, sales and service shall be permitted, provided:
 - 1. The outdoor display of goods or materials shall not include the storage or stockpiling of materials.
 - 2. All goods and materials shall be located within the lot, and not encroach upon any public right-of-way.

3. The outdoor display of materials or goods shall not occupy an area greater than twenty-five (25) percent of the gross floor area of the main structure occupying the lot - except, however, outdoor display of motor vehicles shall be permitted (with or without a main structure occupying the lot), provided:
 - (a) The outdoor space is not utilized for the repair, dismantling or wrecking of any vehicle.
 - (b) No attention attracting devices, including but not limited to flags, pennants, flashing lights, etc., are used, except as provided for in Chapter 734 of this Code.
 - (c) All lighting facilities used to illuminate the outdoor space are located, shielded and directed upon the outdoor space in such a manner that they do not glare onto or interfere with street traffic, adjacent buildings or adjacent uses.
 - (d) All outdoor space used for the display of motor vehicles shall be paved with concrete or improved with a compacted macadam base, and surfaced with an asphaltic pavement to adequately provide a durable and dust-free surface.
 - (e) The outdoor space used for the display of motor vehicles shall be provided with bumper guards or wheel guards so located that no part of the displayed vehicles will extend beyond the boundary of the established display area.
 4. The outdoor display area shall be maintained in good condition and free of weeds, dirt, trash and debris.
- b. Outdoor sales and service.
 1. Outdoor sales may be conducted in association with outdoor displays.
 2. Outdoor sales and service to customers waiting in parked cars (drive-in services) shall be permitted provided:
 - (a) Service is not construed to mean manufacturing, processing, or repairing, dismantling, or wrecking of vehicles, machinery, equipment.
 - (b) Outdoor space is not utilized for the rental, sale, or storage of motor vehicles or trailers.
 - (c) The area on which outdoor service is conducted shall be surfaced and maintained under the standards set forth in section 735-203(b)(3)b.(2), (3), (4), and (5).
 - c. Retail sales on sidewalks abutting a business.
 1. Retail sales of beverages, flowers and food may be carried out on a portion of the sidewalk abutting the same business premises provided:
 - (a) Regional center approval is obtained.
 - (b) Permission is secured from the appropriate governmental unit to use the right-of-way.
 - (c) A detailed site plan showing the use and location of all furniture and equipment (including tables, barriers, chairs, signs, awnings, trash receptacles and umbrellas) on the portion of the sidewalk, the color and design of such furniture and equipment and the movement of people on the portion of the sidewalk is approved by the Administrator of the ~~neighborhood and development services~~ division of planning.
 - d. Taverns, package liquor stores, night club establishments, and such establishments where alcoholic beverages may be carried out (except drug stores or grocery stores) shall:
 1. Provide adequate outdoor convenience trash containers; and

2. Erect and maintain a decorative fence or wall along the perimeter of any outdoor seating area; and
 3. Not be located within one hundred (100) feet, measured in any direction, of a protected district. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the protected district except when such establishment is separated from such protected district by an intervening street (see section 735-207, Diagram A); and
 4. Not be located within five hundred (500) feet, measured in any direction, of any indoor commercial amusement/recreation establishment which caters to, or markets itself predominantly to, persons under twenty-one (21) years of age. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the property line of the subject indoor commercial amusement/recreation establishment.
- e. Any indoor commercial amusement/recreation establishment which caters to, or markets itself predominantly to, persons under twenty-one (21) years of age shall not be located within five hundred (500) feet, measured in any direction, of any tavern, package liquor store, night club establishment, or such establishment where alcoholic beverages may be carried out (except drug stores or grocery stores). The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the property line of the subject tavern, package liquor store, night club, or establishment where alcoholic beverages may be carried out.
 - f. Trash containers exceeding six (6) cubic feet shall:
 1. Be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any protected district, nor shall it be viewed from any street frontage; and
 2. Be located behind the established front building line; and
 3. Not be located within a required yard or required transitional yard.
- (2) *Bulk control.*
- a. *Maximum lot coverage and minimum setback.* One hundred (100) percent lot coverage shall be permitted, and no front, side or rear setbacks shall be required. Provided, however, if a rear or side setback is provided along any rear or side lot line not abutting an alley, such setback depth shall be not less than ten (10) feet.
 - b. *Height limitations - sky exposure plane.* With the exception of signs, there shall be no height limitations in the CBD-2 District other than the following sky exposure plane controls, which shall apply to the erection, expansion and alteration of all buildings or other structures in the CBD-2 District.
 1. The Sky Exposure Plane Two (2) (as defined in section 735-207) shall be applied to all lots within the CBD-2 District. Except, however, the Sky Exposure Plane One (1) (as defined in section 735-207) shall be applied to all lots within the CBD-2 District abutting:
 - (a) The north side of New York Street between Illinois Street and Capitol Avenue.
 - (b) The east side of Delaware Street between New York Street and Maryland Street.
 - (c) The south side of Maryland Street between Delaware Street and Capitol Avenue.
 - (d) The west side of Capitol Avenue between New York Street and Maryland Street.
 2. No part of any building or other structure on any lot shall penetrate the applicable sky exposure plane, except the following: A building or other structure may

penetrate the Sky Exposure Plane One or Two provided that the area of all architectural elevation facing the street, of all buildings and other structures on the lot (including those portions thereof violating the sky exposure plane), when projected back to the base of the sky exposure plane establishes an area at the lot line not in excess of the total area of the lot frontage plane (an imaginary vertical plane, having a base coextensive with the front lot line and extending vertically to its termination at the intersection of the applicable sky exposure plane).

(3) *Off-street parking.*

- a. Off-street parking entrances or exits shall be located a minimum distance of twenty-five (25) feet from the nearest point of two (2) intersecting street right-of-way lines. Such access cuts shall further conform to all requirements of the traffic engineering department having jurisdiction thereof.
- b. Parking lots. Off-street parking lots shall be subject to the following requirements:
 1. The parking area shall not be used for permanent storage, or the display, advertisement, sale, repair, dismantling or wrecking of any vehicle, equipment or materials.
 2. Parking areas shall be paved with concrete or improved with a compacted macadam base, and surfaced with an asphaltic pavement to adequately provide a durable and dust-free surface. Parking areas shall be maintained in good condition and free of weeds, dirt, trash and debris.
 3. The surface shall be graded and drained in such a manner that there will be no free flow of water onto either adjacent properties or sidewalks.
 4. The parking area shall be provided with bumper guards or wheel guards so located that no part of the parked vehicles will extend beyond the boundary of the established parking area.
 5. Lighting facilities used to illuminate the parking areas shall be so located, shielded and directed upon the parking area that they do not glare onto or interfere with street traffic, adjacent buildings, or adjacent uses.
- c. Required off-street parking. Off-street parking facilities shall be provided for all uses in the CBD-2 District except, however, all lots within the area known as the Mile Square, bounded by North Street, East Street, South Street, and West Street.
 1. Number of required off-street parking spaces: One (1) parking space at least nine (9) feet in width and at least twenty (20) feet in length, exclusive of access drives, aisles, ramps, lanes, etc., shall be provided for each eight hundred (800) square feet of the building's total adjusted net floor area as defined in section 735-207.
 2. Location of required parking: All required off-street parking facilities shall be located either on the same lot as the use served or within four hundred (400) feet thereof.
 3. Collective facilities: Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided collectively is not less than the sum of the separate requirements for each such use, and provided that such parking facilities are within four hundred (400) feet of all such separate uses.

(4) *Off-street loading.*

- a. *Location.*
 1. All loading areas shall be located within two hundred (200) feet of the lot served.
 2. Off-street loading facilities for separate lots may be provided collectively if:
 - (a) Such loading facilities are within two hundred (200) feet of all establishments served thereby; and

- (b) The size of the collective loading area is determined (in accordance with e. below) by the sum of the total adjusted net floor area for all buildings served by such collective off-street loading facilities.
- 3. Off-street loading areas may have direct access from any streets, except on the:
 - North side of New York Street between Delaware Street and Capitol Avenue;
 - South side of Maryland Street between Delaware Street and Capitol Avenue;
 - West side of Capitol Avenue between Maryland Street and New York Street;
 - East side of Delaware Street between Maryland Street and New York Street.
- 4. Each off-street loading area shall be located in a manner which will least interfere with traffic movements and such that no vehicle or part thereof will protrude into any alley, street or public right-of-way.
- b. *Size of off-street loading space.* An off-street loading space shall be at least five hundred (500) square feet in area, exclusive of maneuvering area.
- c. *Surfacing.* All open off-street loading areas shall be paved with concrete, or improved with a compacted macadam base, and surfaced with an asphaltic surface to adequately provide a durable and dust-free surface which shall be maintained in good condition and free of weeds, dirt, trash and debris.
- d. *Repair and service.* No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities, except for emergencies developing during occupation of such facilities.
- e. *Number of required off-street loading spaces.*
 - 1. The number of required off-street loading spaces is based upon the building total adjusted net floor area as defined in section 735-207.
 - 2. Off-street loading spaces shall be provided in accordance with the following minimum requirements:

<i>Total Adjusted Net Floor Area of Building (Square Feet)</i>	<i>No. of Loading Spaces Required</i>
0--10,000	None
10,001--100,000	1
100,001--350,000	2
350,001--600,000	3
600,001--850,000	4
850,001--1,100,000	5

For each additional three hundred fifty thousand (350,000) square feet of net floor area over one million one hundred thousand (1,100,000) square feet or fraction thereof, one (1) additional loading space shall be provided.

- (5) *Signs.* Signs and sign structures shall comply with Chapter 734 of this Code.
- (c) *CBD-2 performance standards.* The CBD-1 performance standards, section 735-202(c) shall apply to the CBD-2 District.

Sec. 735-204. Central Business District Three (CBD-3) regulations.

(a) *Permitted CBD-3 uses.* Permitted uses in the CBD-3 District shall conform to the regulations of section 735-201, the CBD-3 development standards of section 735-204(b) and the CBD-3 performance standards of section 735-204(c). The following uses shall be permitted in the CBD-3 District:

- (1) Attached multifamily dwellings, as defined in section 735-207.
- (2) Banks, savings and loan offices.

- (3) Business, professional and consumer service offices.
- (4) Dwelling units, as defined in section 735-207.
- (5) Hotels, motels.
- (6) Off-street parking garage, parking lots, and accessory off- street parking within buildings, subject to the regulations of section 735-204(b)(3).
- (7) Offices, sales and display rooms for wholesalers, distributors, warehouses, manufacturers' agents, including stock, accessory storage, or warehouse space, provided:
 - a. Such accessory storage, stock and warehouse space does not exceed twenty-five (25) percent of the total net floor area of the combined office, sales, display, and accessory storage and warehouse space used in the same building by the same firm or enterprise; and
 - b. In no case shall more than twenty-five (25) percent of the total net floor area in any single building be devoted to such accessory stock, storage and warehouse space.

(In the case of two (2) or more contiguous buildings under single ownership or lease, for purposes of a. and b. above, such contiguous buildings shall be considered as one (1) building.)
- (8) Outdoor retail sales of beverages, flowers and food from carts on sidewalks and public areas, subject to the provisions of Chapter 961 of this Code.
- (9) Printing establishments.
- (10) Public utilities.
- (11) Retail sales and service establishments primarily for the convenience of residents or employees of this district, provided:
 - a. Such establishments (except for sales of beverages, flowers and food from carts) shall be located within buildings principally used for office, apartment, hotel or off-street parking uses; and
 - b. Such establishments shall include any of the following or similar uses of a like nature or character:
 - Bank, savings and loan office
 - Bar*, cabaret*, night club*
 - Barber shop
 - Beauty shop
 - Book store
 - Cleaners and laundry outlet
 - Delicatessen
 - Drug store
 - Florist
 - Gift shop
 - Grocery store
 - Indoor commercial amusement/recreational establishment (no adult entertainment business permitted)**

Jewelry store

Laundromat

Men's and women's wear

Newsstand

Restaurant

Shoe repair shop

Stationery store

Ticket office

* Subject to section 735-204(b)(1)d.

** Subject to section 735-204(b)(1)e.

(12) Public and semi-public structures, parks, and open space.

(13) Sales of beverage, flowers and food from a portion of the sidewalk abutting the same business premises, subject to the additional provisions of section 735-204(b)(1)c.

(b) *CBD-3 development standards.*

(1) *Use.*

- a. All business and retail enterprise shall be conducted within completely enclosed buildings.
- b. Drive-in establishments offering goods, food or services to customers waiting in cars shall not be permitted.
- c. Retail sales on sidewalks abutting a business. Retail sales of beverages, flowers and food may be carried out on a portion of the sidewalk abutting the same business premises provided:
 1. Regional center approval is obtained.
 2. Permission is secured from the appropriate governmental unit to use the right-of-way.
 3. A detailed site plan showing the use and location of all furniture and equipment (including tables, barriers, chairs, signs, awnings, trash receptacles and umbrellas) on the portion of the sidewalk, the color and design of such furniture and equipment and the movement of people on the portion of the sidewalk is approved by the Administrator of the ~~neighborhood and development services~~ division of planning.
- d. Taverns, package liquor stores, night club establishments, and such establishments where alcoholic beverages may be carried out (except drug stores or grocery stores) shall:
 1. Provide adequate outdoor convenience trash containers; and
 2. Erect and maintain a decorative fence or wall along the perimeter of any outdoor seating area; and
 3. Not be located within one hundred (100) feet, measured in any direction, of a protected district. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the protected district except when such establishment is separated from such protected district by an intervening street (see section 735-207, Diagram A); and

4. Not be located within five hundred (500) feet, measured in any direction, of any indoor commercial amusement/recreation establishment which caters to, or markets itself predominantly to, persons under twenty-one (21) years of age. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the property line of the subject indoor commercial amusement/recreation establishment.
 - e. Any indoor commercial amusement/recreation establishment which caters to, or markets itself predominantly to, persons under twenty-one (21) years of age shall not be located within five hundred (500) feet, measured in any direction, of any tavern, package liquor store, night club establishment, or such establishment where alcoholic beverages may be carried out (except drug stores or grocery stores). The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the property line of the subject tavern, package liquor store, night club, or establishment where alcoholic beverages may be carried out.
 - f. Trash containers exceeding six (6) cubic feet shall:
 1. Be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any protected district, nor shall it be viewed from any street frontage; and
 2. Be located behind the established front building line; and
 3. Not be located within a required yard or required transitional yard.
- (2) *Bulk control.*
- a. *Maximum lot coverage and minimum setback.* One hundred (100) percent lot coverage shall be permitted, and no front, side or rear setbacks shall be required. Provided, however, if a rear or side setback is provided along any rear or side lot line abutting an alley, such setback depth shall be not less than ten (10) feet.
 - b. *Height limitations.* There shall be no height limitations or sky exposure plane controls in the CBD-3 District.
- (3) *Off-street parking.*
- a. *Parking garages and accessory parking within buildings.*
 1. Off-street parking garage and accessory off-street parking facilities within buildings located on lots having frontage upon North Meridian Street or North Pennsylvania Street shall: Be developed as an integral part of an associated apartment, office, hotel or other permitted principal use structure, with no exterior evidence of the parking use perceptible on the Pennsylvania or Meridian Street frontage, except for ingress or egress from North Meridian or North Pennsylvania Streets.
 2. Off-street parking entrances or exits shall be located a minimum distance of twenty-five (25) feet from the nearest point of two (2) intersecting street right-of-way lines. Such access cuts shall further conform to all requirements of the traffic engineering departments having jurisdiction thereof.
 - b. *Parking lots.*
 1. The off-street parking requirements and regulations of the CBD-2 District (section 735-201(b)(3)a. and b.) shall apply to the CBD-3 District.
 2. No open parking shall be permitted on any lot having frontage upon North Meridian Street or North Pennsylvania Street, except where there is an intervening structure of at least one (1) story between the entire open parking area of such lot and North Meridian Street or North Pennsylvania Street.
- (4) *Off-street loading.* The requirements and regulations of the CBD-2 District (section 735-203(b)(4)) shall apply to the CBD-3 District, except: Off-street loading areas may have direct access from any streets, except:

North Meridian Street;

North Pennsylvania Street; and

The north side of East and West New York Street.

- (5) *Signs.* Signs and sign structures shall comply with Chapter 734 of this Code.

(c) *CBD-3 performance standards.* The CBD-1 performance standards, section 735-202(c) shall apply to the CBD-3 District.

Sec. 735-205. CBD-Special Development Zoning District.

(a) *Permitted uses.* Permitted uses in the CBD-S District shall conform to the regulations of section 735-201, the development standards of section 735-205(b) and the performance standards of section 735-204(c). Subject to the provisions of this section, any appropriate planned land use, complex or combination of land uses as designated and specified in the amending petition or ordinance zoning land to the CBD Special Development District may be permitted. By example, the following uses may be appropriate in the CBD-S District:

- (1) Attached multifamily dwellings, as defined in section 735-207.
- (2) Commercial office-multifamily residential complex, or other planned complex, which may include business, professional and consumer service offices, retail sales and service uses, or other appropriate uses and accessory facilities.
- (3) Hotels, motels.
- (4) Office-commercial-industrial research and development park or complex.
- (5) Off-street parking garage, parking lots, and accessory off-street parking within buildings.
- (6) Public and semipublic structures and uses, parks and open spaces, including, but not limited to, museums, auditoriums, theatres, amphitheatres, exhibition halls or exhibition spaces, zoos, civic centers, libraries, governmental office complex, greenways, and recreational uses such as sports stadia, marinas, and similar uses.
- (7) Restaurant.

All land use within the CBD-S District shall be limited to the use or uses specified in the applicable rezoning petition or ordinance redistricting and zoning the particular land to the CBD-S District.

A site and development plan for a proposed district shall be filed with the zoning petition and approved by the Metropolitan Development Commission. The Commission may approve, amend or disapprove the plan or any amended plan and may impose any reasonable conditions upon its approval. If such plan submitted is a preliminary rather than final plan, the Commission's approval shall be conditioned upon the approval, by the Administrator of the ~~Neighborhood and Development Services~~ Division of Planning, Department of Metropolitan Development, of a final site and development plan, in total or in phases. Such final plan approval by the Administrator shall be conditioned upon the Administrator's finding that the final plan is consistent and in substantial conformity with the preliminary plan, as approved by the Metropolitan Development Commission. If the Administrator does not so find, the applicant may appeal the Administrator's decision to the Metropolitan Development Commission, and the Commission shall determine, after hearing, whether the Administrator's decision should be sustained.

(b) *Development standards.* The following regulations shall apply to all land within the CBD-S District: All district uses shall:

- (1) Be so planned, designed, constructed and maintained as to create a superior land development, in conformity with the Comprehensive Plan of Marion County, Indiana;
- (2) Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the district and with adjacent uses;
- (3) Provide sufficient and well-designed access, parking and loading areas;

- (4) Provide traffic control and street plan integration with existing and planned public streets and interior access roads;
- (5) Provide adequately for sanitation, drainage and public utilities; and
- (6) Allocate adequate area for all uses proposed, the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan for Marion County, Indiana.

(c) *Performance standards.* The CBD-1 performance standards, section 735-202(c) shall apply to the CBD-S District.

SECTION 22. Chapter 735, Article III, of the "Revised Code of the Consolidated City and County," regarding flood control zoning, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

ARTICLE III. FLOOD CONTROL

Sec. 735-300. Establishment of official zoning map; establishment of secondary flood control districts.

- (a) *Establishment of the official zoning map.*
 - (1) The county is divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is adopted by reference and declared to be a part of all zoning ordinances for Marion County, Indiana.
 - (2) The official zoning map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need. The director of the department of metropolitan development shall be the custodian of the official zoning map.
 - (3) When changes are made in zoning district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been adopted in accordance with IC 36-7-4-600 Series.
 - (4) No changes shall be made to the official zoning map except in conformity with the requirements and procedures set forth in the zoning ordinance and state law.

(b) *Establishment of flood control districts.* The following secondary flood control districts for Marion County, Indiana, are hereby classified, divided and zoned into such districts as designated on the official zoning map:

Flood Control Zoning Districts

Zoning District Symbols

Floodway (secondary)
Floodway Fringe (secondary)

FW
FF

(c) The district boundaries have been established from hydrological data delineated on flood insurance rate maps provided by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Marion County, Indiana, and Incorporated Areas," dated January 5, 2001. Topographic-based floodplain maps which may be developed by the city and approved for use by FEMA may be used as best available data to supplement FEMA's flood insurance rate maps, in accordance with FEMA and IDNR procedures and regulations. These maps contain zone AE floodplain areas for which floodway district boundaries and base flood elevations are provided, zone AH floodplain areas for which base flood elevations are provided, zone AO floodplain areas for which base flood elevations are not provided, and zone A floodplain areas for which floodway district boundaries and base flood elevations are not provided. Each of the aforementioned maps also contain shaded zone X floodplain areas which depict areas subject to flooding in the headwaters of a stream, the five-hundred-year frequency floodplain collar outside of the one-hundred-year frequency zone AE area, and land subject to shallow flood depths of less than one (1) foot. The district boundaries and base flood elevations for mapped areas shall be determined as follows:

- (1) Zone AE: The floodway fringe (FF) zone district boundary is determined by applying the base flood elevations from the flood insurance study base profiles to the specific topography of a site/parcel/property. The floodway (FW) district boundary is determined from the flood

insurance rate map. The base flood elevation shall be determined from the flood insurance study base flood profile, and is rounded up to the nearest one-half foot elevation.

- (2) Zone AH and zone AO: In zone AH floodplain areas, the base flood elevation shown on the flood insurance rate map shall be used. In zone AO areas, the base flood elevation shall be determined by adding the depth number specified in feet on the flood insurance rate map (two feet, if no depth number is specified) to the highest ground elevation at the site.
- (3) Zone A: Because this mapped area depicts only the approximate base flood boundary, the floodway (FW) district boundary, floodway fringe (FF) district boundary, and base flood elevation must be established through a site-specific engineering analysis using a method acceptable to DCAM DMD or a floodplain recommendation letter issued by IDNR containing specific reference to the site in question. It is the responsibility of the applicant applying for a floodplain development permit to provide the requisite engineering analysis to DCAM DMD or to obtain a floodplain recommendation letter from IDNR.
- (4) Zone X: Zone X areas (shaded or unshaded) are not designated by FEMA as special flood hazard areas and are not regulated by this ordinance article.

(d) Detailed hydrological data may not be available on the aforementioned maps for certain portions of the floodway and floodway fringe districts. In such cases, an owner of land or applicant for a floodplain development permit shall be required to request a determination of district boundaries and appropriate flood protection grade from the IDNR and the appropriate district regulations shall apply. In the event IDNR lacks sufficient data, DCAM DMD shall determine which type of flood control district the site is located in and the appropriate flood protection grade and limitations applicable to that district. If DCAM DMD lacks sufficient data to make this determination, the applicant for the floodplain development permit shall be required to submit a zoning district boundary determination completed by a registered professional engineer. The procedures by which specific determinations of district boundaries are to be made and incorporated into revisions of the flood insurance rate maps are set forth in section 735-301 of this article.

Sec. 735-301. Changes to district boundaries.

(a) Procedures to change the floodway and floodway fringe district boundaries, with or without an accompanying base flood elevation change, may be initiated in certain circumstances, including but not limited to: determination of original mapping error; physical change to the landscape such as filling, excavating or grading; modification of a channel or bridge which changes the hydraulic or hydrologic characteristics of the watercourse; availability of better topographic base mapping which more accurately depicts the floodplain limits; and development of detailed hydrological data for previously unstudied zone A areas. In addition, an owner or lessee of property who believes his or her property has been wrongly designated in a particular flood control zoning district may apply for a district boundary change in accordance with this section.

(b) Changes to the floodway (FW) district boundary, floodway fringe (FF) district boundary, and the accompanying base flood elevations must be approved by FEMA through a letter of map revision (LOMR) or letter of map amendment (LOMA) in accordance with procedures established by FEMA, before the revised maps and data shall be used under this article. Detailed study data, developed for sites located in zone A areas pursuant to section 735-300 as best available data, will generally not be acknowledged by FEMA for flood insurance determinations or result in district boundary revisions unless an official LOMR or LOMA is issued by FEMA which specifies such changes.

(c) DCAM DMD shall review all LOMR and LOMA applications for completeness pursuant to FEMA regulations and procedures and verify that the subject project has satisfied the regulatory requirements of this article. Upon verification, DCAM DMD shall issue a signed community acknowledgement to the applicant as required by FEMA. If the LOMR or LOMA application is based on a channel improvement or other physical change to the floodplain which requires continual operation and maintenance as a condition of the issuance of the LOMR or LOMA by FEMA, DCAM DMD may require the applicant to enter into an agreement with DCAM DMD to provide such operation and maintenance.

(d) Any changes in the floodway district boundary must be reported to FEMA by the applicant within six (60) months of construction with a copy forwarded to DCAM DMD. DCAM DMD shall be responsible for maintaining up-to-date floodplain maps including any amending LOMRs and LOMAs and shall coordinate efforts with IDNR, FEMA and applicants to solve mapping conflicts using the best available hydrologic, hydraulic and topographic data.

(e) By reference the Metropolitan Development Commission and the city-county council must acknowledge all floodway (FW) and floodway fringe (FF) district boundary relocations and base flood elevation revisions approved by FEMA through the issuance of LOMR and LOMAs as changes to the official zoning map.

(f) All letters of map amendment (LOMA) and letters of map revisions (LOMR) approved and issued by the Federal Emergency Management Agency (FEMA) from September 2, 1992 until January 5, 2001 shall be incorporated as map amendments to the applicable flood control districts boundaries (said letters [LOMA and LOMR] are incorporated by reference and made a part of this ordinance article).

Sec. 735-302. General regulations applicable to all districts.

The following regulations shall apply to all land within any flood control district:

(1) From and after October 4, 1971:

- a. No land, watercourse, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this article.
- b. No land, watercourse, building, structure, premises, use or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed, relocated, altered, improved, or repaired except in conformity with these regulations and for uses permitted by this article.

(2) No land alteration, watercourse alteration, open land use, legally established nonconforming use, or structure as defined in this article shall be constructed, erected, placed, converted, enlarged, extended, reconstructed, improved, repaired, restored, or relocated until a floodplain development permit is issued for the proposed activity as required by this article.

(3) Application for a floodplain development permit shall be made on a form provided by ~~DCAM~~ DMD. The application shall be accompanied by drawings of the site drawn to scale which depict the proposed activity in a manner adequate for ~~DCAM~~ DMD to determine compliance with this article. At a minimum, the site plan shall show: all existing and proposed structures; existing and proposed contours (if the proposed activity includes land alteration or watercourse alteration), the governing base flood elevation for the site (including the source of the base flood elevation value); and the proposed flood protection grade elevation (if the proposed activity requires a specified flood protection grade under this article).

Site plans for all platted subdivisions shall also include a delineation of the existing and proposed floodway and floodway fringe boundaries; a flood protection grade denoted for each building pad; and, for each lot located in a flood control district, a plan note identifying the flood control district in which it is located and the requirements and limitations imposed under this article for construction on the floodplain lot.

Plans for proposed activities requiring a specified flood protection grade under this article, which involve land or watercourse alterations, or involve floodproofing of a structure, shall be certified by a professional engineer, professional surveyor, or professional architect as defined by this article.

(4) An application fee shall be charged for the processing of a floodplain development permit application. A fee schedule shall be developed by DMD for categories of proposed activities sufficient to recover the cost of processing applications.

(5) A floodplain development permit shall not be issued for any proposed activity until all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

(6) ~~DCAM~~ DMD shall require that an NFIP elevation certificate be completed by a professional engineer, professional architect or professional surveyor for each new structure, substantial addition, substantial improvement, or restoration of substantial damage located in a flood control district, as required by FEMA. ~~DCAM~~ DMD shall supply each applicant for a floodplain development permit with a blank NFIP elevation certificate during the ~~DCAM's~~ DMD's floodplain development permit review process. The applicant shall have a professional engineer, professional architect or professional surveyor complete the NFIP elevation

certificate, showing the as-built flood protection grade and lowest adjacent grade to the structure, and other information required in the form. The applicant shall deliver a signed and completed NFIP elevation certificate to DCAM DMD within ten (10) calendar days after completion of construction of the lowest floor grade, and before DMD completes the final site inspection.

DCAM DMD shall require that a floodproofing certificate, if required by section 735-302(2)a. be completed by a professional engineer or professional architect for each new structure, substantial addition, substantial improvement or restoration of substantial damage located in a flood control district, as required by FEMA. DCAM DMD shall supply each applicant for a floodplain development permit with a blank floodproofing certificate during the DCAM's DMD's floodplain development permit review process. The applicant shall have a professional engineer or architect complete the floodproofing certificate showing the as-built flood protection grade as provided by the floodproofing measures constructed, and other required information on the form. The applicant shall deliver a signed and completed floodproofing certificate to DCAM DMD within ten (10) calendar days after completion of construction of the structural floodproofing and before DMD completes the final site inspection.

DMD shall not perform the final inspection of construction involving a new building or addition to a building requiring an elevation certificate or floodproofing certificate until it has received notification that a properly completed elevation certificate or floodproofing certificate has been submitted to DCAM DMD. Failure to submit a properly completed elevation certificate, or floodproofing certificate if applicable, shall result in the issuance of a stop work order on the project by DMD, revocation of the floodplain development permit by DMD, or both.

- (7) DCAM DMD shall make all determinations and obtain all data in accordance with FEMA standards at 44 CFR 60.3. The permit applicant is responsible for supplying data to DCAM DMD that is required by FEMA.
- (8) The Metropolitan Development Commission hereby delegates authority to DCAM DMD to perform all functions relating to the review of applications for issuance of floodplain development permits, in accordance with this article.
- (9) All new construction and substantial improvements shall:
 - a. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. Be constructed with materials resistant to flood damage;
 - c. Be constructed by methods and practices that minimize flood damages; and
 - d. Be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (10) A floodplain development permit shall not be issued for proposed activity in zone A or zone AH or zone AO until the floodway and floodway fringe district boundaries and base flood elevation are established in accordance with section 735-300(b).
- (11) The approval of a floodplain development plan by the permit division under this section shall be valid for a period of one (1) year from the date such approval was granted, or until the floodplain development permit for which the plan was submitted was issued, whichever occurs first. However, prior to the issuance of the permit, if there are any material changes to an approved floodplain development plan or circumstances which cause the floodplain development plan to be inaccurate or incomplete, then a new or corrected floodplain development plan shall be submitted to the department as a precondition for obtaining a floodplain development permit.
- (12)a. A floodplain development permit may be transferred with the approval of the permits division of compliance to a person, partnership or corporation which would be eligible to obtain such floodplain development permit in the first instance (hereinafter called "transferee"), after both the payment of a fee specified in the rules and procedures of the

metropolitan development commission and the execution and filing of a form furnished by the ~~permits~~ division of compliance. Such transfer form shall contain, in substance, the following certifications, release and agreement:

1. The person who obtained the original floodplain development permit or a person who is employed by and authorized to act for the obtainer (hereinafter called "transferor") shall:
 - i. Certify under penalties for perjury that such person is familiar with construction activity accomplished pursuant to the floodplain development permit; such person is familiar with the floodplain development standards and procedures applicable to the construction activity; and to the best of such person's knowledge, information and belief the construction activity, to the extent performed, is in conformity with all floodplain development standards and procedures; and,
 - ii. Sign a statement releasing all rights and privileges secured under the floodplain development permit to the transferee.
 2. The transferee shall:
 - i. Certify that the transferee is familiar with the information contained in the original floodplain development permit application, the detailed plans and specifications, the plot plan and any other documents filed in support of the application for the original floodplain development permit;
 - ii. Certify that the transferee is familiar with the present condition of the premises on which construction activity is to be accomplished pursuant to the floodplain development permit; and,
 - iii. Agree to adopt and be bound by the information contained in the original application for the floodplain development permit, the detailed plans and specifications, the plot plan and other documents supporting the original floodplain development permit application; or in the alternative, agree to be bound by such application plans and documents modified by plan amendments submitted to the ~~permits~~ division of compliance for approval.
 - b. The transferee shall assume the responsibilities and obligations of and shall comply with the same procedures required of the transferor and shall be subject to any written orders issued by ~~DCAM DMD~~.
 - c. A permit or design approval may not be transferred from the specified location to another location.
- (13) Expiration of floodplain development permits by operation of law.
- a. If construction activity, other than activity involving the removal of all or part of a structure, has not been commenced within one hundred eighty (180) days from the date of issuance of the floodplain development permit, the permit shall expire by operation of law and shall no longer be of any force or effect; provided, however, ~~DCAM DMD~~ may, for good cause shown in writing, extend the validity of any such permit for an additional period which is reasonable under the circumstances, but in no event shall the continuance exceed a period of sixty (60) days. Such extension shall be confirmed in writing.
 - b. If the construction activity has been commenced but only partially completed, and thereafter substantially no construction activity occurs on the construction site over a period of one hundred eighty (180) days, the permit shall expire by operation of law and no longer be of any force or effect; provided, however, ~~DCAM DMD~~ may, for good cause shown in writing, extend the validity of any such permit for an additional period which is reasonable under the circumstances to allow reinitiation of construction activity.

Sec. 735-303. FW floodway district regulations (secondary).

The following regulations, in addition to those in Section 735-302, shall apply to all land within the floodway district. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to such land, and in case of conflict, the more restrictive regulations shall apply.

The purpose of the floodway district is to guide development in areas identified as a floodway. IDNR, under the authority of the INRC, exercises primary jurisdiction in the floodway district under the authority of IC 14-28-1; however, the city may impose terms and conditions on any floodplain development permit it issues in a floodway district which are more restrictive than those imposed by IDNR regulations.

(a) *Permitted uses.* The following uses shall be permitted in the floodway district subject to the development standards of section 735-303(b):

- (1) Open land uses.
- (2) Land alterations and watercourse alterations.
- (3) Nonbuilding structures.
- (4) Detached residential accessory structures.
- (5) Improvements, additions, and restoration of damage to legally established nonconforming uses.

(b) *Development standards.*

- (1) *Open land use.* An open land use as defined in this article shall be allowed without a floodplain development permit provided that the open land use does not constitute or involve any structure, obstruction, deposit, construction, excavation, or filling in a floodway in accordance with IDNR regulations. Otherwise, proposed open land uses shall require a floodplain development permit in accordance with this subsection.
- (2) *Land and watercourse alterations.* Land alterations and watercourse alterations as defined in this article shall not result in any new or additional public or private expense for flood protection; shall assure that the flood carrying capacity is maintained and shall not increase flood elevations, velocities, or erosion upstream, downstream or across the stream from the proposed site; and shall not result in unreasonable degradation of water quality or the floodplain environment.

In addition, no floodplain development permit shall be issued for land alterations or watercourse alterations in a floodway unless a certificate of approval for construction in a floodway is first issued by IDNR for the proposed activity, if required pursuant to IC 14-28-1.

- (3) *Nonbuilding structures.* Nonbuilding structures as defined in this article shall be permitted in a floodway only under the following conditions:
 - a. The nonbuilding structure is designed, located, and constructed such that it is protected from potential damage resulting from flooding up to and including the base flood;
 - b. The nonbuilding structure is designed to resist displacement resulting from hydrostatic, hydrodynamic, buoyant, or debris loading forces associated with flooding up to and including the base flood;
 - c. The nonbuilding structure is designed to minimize potential contamination or infiltration of floodwaters or other potential environmental health or safety hazards associated with flooding up to and including the base flood;
 - d. The nonbuilding structure is designed to minimize the obstruction of floodwaters by such measures as providing flow-through rather than solid fencing, reduction of structure cross-section area perpendicular to the flow path, and placement of the nonbuilding structure away from areas of greater depth or velocities;
 - e. The IDNR has first issued a certificate of approval of construction in a floodway, if applicable pursuant of IC 14-28-1; and
 - f. The nonbuilding structure must meet the applicable flood protection grade required by IDNR and FEMA rules.

- (4) *Detached residential accessory structures*, the total square footage being equal to or less than four hundred (400) square feet, may be erected in a floodway with or without a flood protection grade two (2) feet above the base flood elevation only if the following conditions are met.
- a. The detached structure is constructed or placed on the same lot as an existing primary residential structure and is operated and maintained under the same ownership;
 - b. The detached structure is customarily incidental, accessory and subordinate to, and commonly associated with, the operation of the primary use of the lot;
 - c. The detached structure is no larger than seventy-five (75) percent of the size of the existing primary residential structure;
 - d. The detached structure shall never be used in total, or in part, for habitable space;
 - e. Any electrical wiring and any heating, cooling or other major appliance in the detached structure is located above the base flood elevation and the detached structure is not used for the storage of any substance or chemical which is dangerous or would become dangerous if mixed with water;
 - f. The IDNR has first issued a certificate of approval of construction in a floodway; and
 - g. As a condition to allowing construction of a detached residential accessory structure, ~~DCAM DMD~~ may first require the owner to record a statement, in a form approved by ~~DCAM DMD~~, indicating that the detached residential accessory structure shall not, in the future, be used in total, or in part, as habitable space. This shall be a covenant that shall be recorded in the office of the Recorder, Marion County, Indiana, with the property deed and shall be binding on all subsequent owners.
- (5) *Legally established nonconforming uses in a floodway (FW) district*. Nothing stated in this subsection shall prevent ordinary maintenance or repair of legally established nonconforming uses as defined in this article. The cost of ordinary maintenance and repair of building or structures is not counted toward the fifty (50) percent limit for determining substantial improvement, restoration of substantial damage or substantial addition as defined herein.
- a. *Restoration of damage.*
 1. Nonsubstantial damage: A legally established nonconforming use which has been damaged by flood, fire, explosion, act of God, or the public enemy, may be restored to its original dimension and condition provided that the damage is nonsubstantial damage as defined in this article and a certificate of approval of construction in a floodway, if required in accordance with IDNR rules, is first obtained from IDNR.
 2. Substantial damage: A legally established nonconforming use which is substantially damaged as defined in this article may only be restored if the following conditions are satisfied:
 - (i) The legally established nonconforming use is not a primary residential structure;
 - (ii) If required, the applicant for the proposed restored use must first obtain a certificate of approval for construction in a floodway from IDNR;
 - (iii) A restored structure must be provided with a flood protection grade at or above the base flood elevation;
 - (iv) The design of the foundation of a restored structure must be certified by a professional engineer or professional architect registered in the state of Indiana as being adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood, and constructed with a material that will maintain its structural integrity during and after exposure to floodwaters;
 - (v) If the damage to a structure is such that the structure including the foundation is destroyed, the structure must be rebuilt upon the same area of the original

foundation and have substantially the same configuration as the destroyed structure, unless the rebuilt structure is proposed to be placed on a site less vulnerable to flood hazards as determined by DCAM DMD;

- (vi) The restored or rebuilt structure does not restrict or obstruct the floodway more than the damaged structure; and
- (vii) The damage was not intentionally caused by the owner or occupant;
- (viii) The restoration of the structure is begun within one (1) year and completed within two (2) years following the date that the damage occurred.

b. *Improvements.*

- 1. Nonsubstantial improvements: A legally established nonconforming use in a floodway (FW) district may undergo a one-time only nonsubstantial improvement. Subsequent improvements shall be subject to the requirements and limitations of this article applicable to substantial improvements.
- 2. Substantial improvements: A substantial improvement to a legally established nonconforming use in a floodway (FW) district is prohibited.

c. *Additions.*

- 1. Nonsubstantial additions: A legally established nonconforming use in a floodway (FW) district may undergo a one-time only nonsubstantial addition provided that:
 - (i) The applicant has provided development plans and any other supporting data, as required by DCAM DMD, certifying that the proposed addition will not cause any increase in the base flood elevation; and
 - (ii) A covenant indicating that "a one-time non-substantial addition to the structure has taken place and that no further additions will be allowed" shall be recorded in the office of the recorder, Marion County, Indiana, with the property deed and shall be binding on all subsequent owners.

Subsequent additions shall be subject to the requirements and limitations of this article applicable to substantial additions.

- 2. Substantial addition: A substantial addition to a legally established nonconforming use in a floodway (FW) district is prohibited.

- (6) *Prohibition of garbage, trash, junk in floodway (FW) district.* No use shall involve the storage, accumulation, spreading, dismantling or processing of garbage, trash, junk, or any other similar discarded or waste material.

Sec. 735-304. Floodway fringe (FF) district regulations (secondary).

The following regulations, in addition to those in Section 735-302, shall apply to all land within the floodway fringe district. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to such land, and in case of conflict, the more restrictive regulations shall apply.

The purpose of the floodway fringe district is to guide development in areas subject to potential flood damage, but outside a floodway district.

- (a) *Permitted uses.* All uses permitted in the applicable primary zoning district shall be permitted in the floodway fringe district, subject to the requirements of this section.

(b) *Development standards.*

- (1) *General.* Except as provided in this subsection and subsections (2), (3), ~~and (5)~~, (6) and (8) below, no building shall be erected, reconstructed, expanded, structurally altered, converted, used, relocated, restored, or improved unless it is provided with a flood protection grade of at least two (2) feet above the base flood elevation. This flood protection grade may be achieved for nonresidential structures by structural floodproofing. The design and construction shall be

certified on a floodproofing certificate by a professional engineer or professional architect registered in the state of Indiana as being adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.

For floodplain development at sites which are elevated with fill, lowest floor levels, including basement floors, shall be provided with a flood protection grade of at least two (2) feet above the base flood elevation. Non-living spaces, such as crawl spaces that are below grade on all sides, shall be provided with a lowest floor level at least equal to the base flood elevation. The flood protection grade as well as all other requirements of this article shall not be applicable to property which has been removed from a flood control district through the issuance of a final LOMR or LOMA by FEMA.

Floodway fringe fill on which a building is to be placed shall be compacted to ninety-five (95) percent of maximum density using the Standard Proctor Test method. The surface of the fill shall extend at least ten (10) feet horizontally from the perimeter of the building before sloping below the base flood elevation. This is a minimum distance which may need to be increased by the designer based on site conditions. Fill slopes shall be adequately protected from erosion using a method approved by DCAM DMD.

- (2) *Open land use.* Any open land use as defined in this article shall be allowed in a floodway fringe district without a floodplain development permit.
- (3) *Land and watercourse alterations.* Land alterations and watercourse alterations in a floodway fringe district shall not result in any new or additional public or private expense for flood protection; shall not increase flood elevations or reduce flood carrying capacity; shall not increase velocities or erosion upstream, downstream, or across the stream from the proposed site; and shall not result in unreasonable degradation of water quality or the floodplain environment.
- (4) *Nonbuilding structures.* Nonbuilding structures as defined in this article shall be allowed in a floodway fringe district only if constructed in a manner that will not impede the flow of floodwater and debris carried by floodwater, and the following conditions are met:
 - a. The nonbuilding structure is designed, located and constructed such that it is protected from potential damage resulting from flooding up to and including the base flood;
 - b. The nonbuilding structure is designed to resist displacement resulting from hydrostatic, hydrodynamic, buoyant, or debris loading forces associated with flooding up to and including the base flood;
 - c. The nonbuilding structure is designed to minimize potential contamination or infiltration of floodwaters or other potential environmental or safety hazards associated with flooding up to and including the base flood;
 - d. The nonbuilding structure is designed to minimize the obstruction of floodwaters by such measures as providing flow-through rather than solid fencing, reduction of structure cross-section perpendicular to the flow path, and placement of the nonbuilding structure away from areas of greater depth or velocities.
 - e. The nonbuilding structure must meet the applicable flood protection grade required by IDNR and FEMA rules.
- (5) *Detached residential accessory structures.* Detached residential accessory structures larger than four hundred (400) square feet in a floodway fringe district must be provided with a flood protection grade of at least two (2) feet above the base flood elevation. Detached residential accessory structures, ~~the total square footage being equal to~~ or smaller than four hundred (400) square feet may be erected in a floodway fringe district above or below the flood protection grade only if the following conditions are met:
 - a. The detached structure is constructed or placed on the same lot as an existing primary residential structure and is operated and maintained under the same ownership;
 - b. The detached structure is customarily incidental, accessory and subordinate to, and commonly associated with, the operation of the primary use of the lot;

- c. The detached structure is no larger than seventy-five (75) percent of the size of the existing primary residential structure;
 - d. The detached structure shall never be used in total, or in part, for habitable space;
 - e. Any electrical wiring and any heating, cooling or other major appliance in the detached structure is located above the base flood elevation and the detached structure is not used for the storage of any substance or chemical which is dangerous or would become dangerous if mixed with water; and
 - f. As a condition to allowing a detached residential accessory structure, the ~~DCAM~~ DMD may require the owner to record a statement, in a form approved by ~~DCAM~~ DMD, indicating that the detached residential accessory structure shall not, in the future, be used in total, or in part, as habitable space. This shall be a covenant that shall be recorded in the office of the Recorder, Marion County, Indiana, with the property deed and shall be binding on all subsequent owners.
- (6) *Attached nonhabitable residential accessory enclosures.* Attached nonhabitable accessory enclosures may be constructed in a floodway fringe district as a part of one-family, two-family, or multifamily structures only under the following conditions:
- a. All parts of the building or structure other than the attached nonhabitable accessory enclosure shall be erected, constructed, reconstructed, expanded, structurally altered, converted, used or relocated in compliance with this subsection 735-304(b);
 - b. The attached nonhabitable accessory enclosure is attached to or part of the primary residential structure and is operated and maintained under the same ownership;
 - c. The attached nonhabitable accessory enclosure is customarily incidental, accessory and subordinate to, and commonly associated with the use of the primary residential structure;
 - d. The attached nonhabitable accessory enclosure is not used in total or in part as habitable space, but is solely for parking vehicles, building access or storage of materials not covered under standard flood insurance policy;
 - e. As a condition to allowing an attached nonhabitable accessory enclosure, the ~~DCAM~~ DMD shall require the owner to record a statement, in a form approved by ~~DCAM~~ DMD, indicating that the attached nonhabitable accessory enclosure shall not, in the future, be used in total, or in part, as habitable space. This shall be a covenant that shall be recorded in the office of the Recorder, Marion County, Indiana, with the deed and shall be binding on all subsequent owners;
 - f. Any electrical wiring and any heating, cooling or other major appliance or equipment in the attached nonhabitable accessory enclosure is located above the base flood elevation and the attached nonhabitable accessory enclosure is not used for the storage of any substance or chemical which is dangerous or would become dangerous if mixed with water; and
 - g. The exterior walls of the attached nonhabitable accessory enclosure shall be constructed with a material which will maintain its structural integrity during and after exposure to floodwaters and be designed to automatically equalize hydrostatic flood forces by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must meet the following minimum criteria:
 - 1. A minimum of two (2) wall openings having a total net area of not less than one (1) square foot for every two (2) square feet of enclosed area subject to flooding shall be provided;
 - 2. The bottoms of all openings shall be no higher than one (1) foot above the flood level of the enclosure or no greater than one (1) foot above grade, whichever is less; and
 - 3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters without reliance on human or electrical activation; and

- h. Attached nonhabitable accessory enclosures that are also legally established nonconforming uses pursuant to subsection 735-304(b)(8) shall not be subject to the requirements of subsection 735-304(b)(6).

(7) *Manufactured home dwellings, mobile dwellings and recreational vehicles.*

- a. Manufactured home dwellings and mobile dwellings that are placed or undergo substantial improvements or substantial additions on sites outside of a mobile dwelling project, in a new mobile dwelling project or subdivision, in an expansion to an existing mobile dwelling project or subdivision, or in an existing mobile dwelling project or subdivision on which a manufactured home dwelling or mobile dwelling has incurred substantial damage as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home dwelling or mobile dwelling is elevated with a flood protection grade at least two (2) feet above the base flood and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- b. Manufactured home dwellings and mobile dwellings that are placed or undergo substantial improvements or substantial additions on sites in an existing mobile dwelling project or subdivision on which a manufactured home dwelling or mobile dwelling has not incurred substantial damage as the result of a flood, shall be elevated so that either the lowest floor of the manufactured home dwelling or mobile dwelling is elevated with a flood protection grade at least two (2) feet above the base flood or the manufactured home dwelling or mobile dwelling chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely anchored to a foundation system to resist flotation, collapse and lateral movement.
- c. Recreational vehicles placed on sites in the floodway fringe for one hundred eighty (180) consecutive days or more shall be subject to the requirements for manufactured home dwellings and mobile dwellings contained in this article. Recreational vehicles placed on sites in the floodway fringe shall not be subject to requirements for manufactured home dwellings and mobile dwellings contained in this article and shall not require a floodplain development permit if the recreational vehicle is either placed on the site for fewer than one hundred eighty (180) consecutive days or is fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

- (8) *Legally established nonconforming uses.* Nothing stated in this subsection shall prevent ordinary maintenance or repair of legally established nonconforming uses as defined in this article. The cost of ordinary maintenance and repair of buildings or structures is not counted toward the fifty (50) percent limit for determining a substantial improvement, restoration of substantial damage or substantial addition as defined herein.

Improvements, additions and restoration of damage to legally established nonconforming uses authorized under this subsection shall not be subject to subsection 735-304(b)(6) of this section.

a. *Restoration of damage.*

- 1. Nonsubstantial damage: A legally established nonconforming use in a floodway fringe district damaged by flood, fire, explosion, act of God or the public enemy may be restored to its original dimensions and condition provided that the damage is a nonsubstantial damage as defined by this article.
- 2. Substantial damage: A legally established nonconforming use that is substantially damaged may only be restored if the restored structure is provided with a flood protection grade of at least two (2) feet above the base flood elevation.

b. *Improvements.*

- 1. Nonsubstantial improvements: A legally established nonconforming use in a floodway fringe district may undergo a one-time only nonsubstantial improvement.

Subsequent improvements shall be subject to the requirements and limitations of this article applicable to substantial improvements.

2. Substantial improvements: A legally established nonconforming use may undergo a substantial addition if the addition is provided with a flood protection grade of at least two (2) feet above the base flood.

c. *Additions.*

1. Nonsubstantial addition: A legally established nonconforming use in a floodway fringe district may undergo a one-time only nonsubstantial addition provided that a covenant indicating that "a one-time non-substantial addition to the structure has taken place and that any subsequent improvements or additions shall be subject to the requirements and limitations of this article applicable to substantial additions" shall be recorded in the office of the recorder, Marion County, Indiana, with the property deed and shall be binding on all subsequent owners.
 2. Substantial addition: A legally established nonconforming use may only undergo a substantial addition if the addition is provided with a flood protection grade of at least two (2) feet above the base flood elevation.
- (9) *Draining of land; altering of watercourses; construction of ponds, lakes, levee, dams.* No draining or reclamation of land; altering, widening, deepening or filling of watercourses or drainage channels or ways; construction of ponds, lakes, levees, or dams; or any other changes or improvements of watercourses or drainage channels or ways shall be undertaken in the floodway fringe district unless first approved by the IDNR, if applicable, and any other local, state or federal agencies having jurisdiction over such activity.
- (10) *Construction of new access roads.* If the proposed activity includes the construction of a new access road between proposed buildings to be located in the floodway fringe district and a public road, and the public road at the intersection with the proposed access road is at or above the base flood elevation, then the proposed access road must also be at or above the base flood elevation along the entire length between any proposed building and the public road. If there is more than one (1) access road between the public road and any proposed building, only one (1) must provide access at or above the base flood elevation.

Sec. 735-305. Variances.

(a) The Board of Zoning Appeals may only issue a variance to the permitted uses or development standards of the floodway (FW) or floodway fringe (FF) districts if the applicant submits evidence that:

- (1) There exists a good and sufficient cause for the requested variance;
- (2) The strict application of the terms of this article will constitute an exceptional hardship to the applicant;
- (3) The grant of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with other applicable law or ordinances.

(b) The Board of Zoning Appeals may only issue a variance to the permitted uses of development standards of the floodway (FW) or floodway fringe (FF) districts subject to the following conditions:

- (1) No variance for the construction of a new residential structure in a floodway (FW) district may be granted;
- (2) Any variance granted for a use in a floodway (FW) district shall first require a permit from IDNR, if such permit is required by IDNR rules and procedures;
- (3) Variances to the flood protection grade requirements may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection elevation;
- (4) Variances may be granted for the reconstruction or restoration of any structure listed on the National Register of Historic Places or the Indiana State Survey of Historic, Architectural, Archaeological and Cultural Sites, Structures, Districts and Objects, subject to the condition

that such variance will not preclude the structure's continued designation as an historic structure and that the variance is the minimum necessary to preserve the historic character;

- (5) All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and
- (6) DCAM DMD shall issue a written notice to the recipient of a variance that the proposed construction will be subject to increased risks of life and property and could require payment of increased flood insurance premiums.

Sec. 735-306. Permit application and review procedures; recordkeeping.

(a) DCAM DMD shall review all applications for a floodplain development permit for all sites which have been identified by DMD ~~or DCAM~~ as lying in a flood control district. DCAM DMD shall verify that the site is in a flood control district by referring to the flood insurance rate map. In cases where the floodplain status of the site cannot be fully determined through the use of these maps, DCAM DMD shall use the best available data to determine the floodplain status of the site, in accordance with section 735-300 of this article.

(b) If the permit application is for a site located in an identified floodway (FW) district, then DCAM DMD shall direct the applicant to apply to IDNR for a state permit for construction in a floodway. A floodplain development permit shall not be issued for the proposed activity until the IDNR has issued a certificate of approval of construction in a floodway or a letter stating that IDNR approval is not required, and DCAM DMD determines that the application complies with all other applicable requirements of this article.

(c) If the permit application is for a site located in a floodway fringe (FF) district, then DCAM DMD may approve the application upon compliance with the applicable requirements of this article.

(d) In both floodway (FW) and floodway fringe (FF) districts, DCAM DMD will require such modifications to the design and materials of the proposed activity as DCAM DMD may deem appropriate under this article.

(e) In reviewing applications for floodplain development permits for compliance with the requirements of this article, DCAM, ~~in conjunction with DMD~~, shall assure that all necessary permits related to floodplain management objectives from state, federal, and local agencies have been obtained.

(f) Records of floodplain development permits.

(1) DCAM DMD will maintain a file of all floodplain development permits issued in a flood control district.

(2) DCAM DMD will make these floodplain development permits available to representatives of FEMA, IDNR and other interested parties.

(g) NFIP elevation certificates.

(1) DCAM DMD will file the NFIP elevation certificate, and the floodproofing certificate if applicable, for each building and structure in a flood control district with the floodplain development permit.

(2) DCAM DMD will make available to insurance agents and lenders, upon request, copies of the NFIP elevation certificate and the floodproofing certificate to assist in the actuarial rating of the structure for flood insurance purposes.

(h) DCAM The applicant shall notify an adjacent community and IDNR prior to any alteration or relocation of a watercourse in a riverine situation and submit copies of such notification to DCAM DMD and FEMA.

Sec. 735-307. National flood insurance program regulation.

DCAM DMD, during the review of floodplain development permit applications located in identified flood control districts, shall ensure that all national flood insurance program regulations (codified at 44 CFR, Part 60.3) pertaining to state and federal permits, subdivision review, building permit review, floodproofing nonresidential structures, mobile home tie-down standards, utility construction,

recordkeeping (including lowest floor elevations), and watercourse alteration and maintenance have been met.

Sec. 735-308. Severability.

If any section, subsection, paragraph, subparagraph, clause, phrase, word, provision or portion of this article shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such holding or decision shall not affect or impair the validity of this article as a whole or any part thereof, other than the section, subsection, paragraph, subparagraph, clause, phrase, provision or portion so held to be unconstitutional or invalid.

Sec. 735-309. Violations.

(a) Construction or development authorized by the floodplain development permit shall proceed according to the requirements of this ~~ordinance article~~, the development plan and supporting documents filed with said permit application, and the conditions of an applicable variance grant to the requirements of this ~~ordinance article~~. If ~~DCAM DMD~~ determines that construction or development is proceeding or has proceeded in violation of this ~~ordinance article~~, the development plan or supporting documents, or variance grant, or that the permit was issued in violation of an ordinance or the conditions of such variance grant, ~~DCAM DMD~~ may revoke said permit. Written notice of the revocation shall be provided to the permit applicant.

(b) A violation of this article shall be enforceable under Chapter 730, Article V of this Code.

(c) A violation may lead to the cancellation of a standard flood insurance policy. ~~DCAM DMD~~ shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by the standard flood insurance policy to be suspended.

Sec. 735-310. Construction of language and definitions.

(a) *Construction of language.* The language of this ~~ordinance article~~ shall be interpreted in accordance with the following regulations:

- (1) The particular shall control the general.
- (2) In the case of any difference of meaning or implication between the text of this ~~ordinance article~~ and any illustration or diagram the text shall control.
- (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (4) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (5) A "building" or "structure" includes any part thereof.
- (6) The phrase "used for", includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
- (7) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", or "either...or", the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either...or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

(b) *Definitions.* The words in the text or illustrations of this ~~ordinance article~~ shall be interpreted in accordance with the following definitions. The illustrations and diagrams in this section provide graphic representation of the concept of a definition; the illustration or diagram is not to be construed or interpreted as a definition itself.

As-built condition. The state of being of a structure or building immediately following its construction or placement.

Attached nonhabitable accessory enclosure. An enclosed area of a structure below the elevated first floor used solely for parking vehicles, building access or storage which satisfies all requirements for such a structure as set forth in this article.

Base flood. That flood having a peak discharge which can be expected to be equalled or exceeded on the average of once in a hundred-year period, as calculated by a method and procedure which is acceptable to and approved by the IDNR. This flood is equivalent to a flood having a probability of occurrence of one (1) percent in any given year.

Base flood elevation. The site-specific elevation of the water surface of the base flood measured in feet above mean sea level (1929 NGVD or NAVD 1988). In either case, a conversion number shall be included.

Best available data. Information including but not limited to available topographic mapping, survey data, historic flood records, engineering studies, channel ratings, and engineering judgment, used by ~~DCAM~~ DMD to make flood control district determinations pursuant to section 735-300 of this article, when detailed floodplain data are not available for a particular site.

Building. Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, or property of any kind, having an enclosed space and a permanent roof supported by columns or walls.

Construction activity. The conduct of land alterations, watercourse alterations, erection, construction, placement, repair, alteration, conversion, maintenance, moving, or remodeling of any new or existing building or structure or any part thereof, or the construction, installation, extension, repair, alteration, conversion, removal or maintenance of building or structure equipment.

Cost. The actual value of the work to be performed based on a method approved by FEMA.

Detached residential accessory structure. A detached nonhabitable structure which is subordinate to and located no less than six (6) feet from the primary residential structure and which satisfies all local regulations regarding this classification.

Development. Any man-made change to improved or unimproved real estate including, but not limited to, buildings and other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

~~DCAM.~~ The Department of Capital Asset Management of the City of Indianapolis.

DMD. The Department of Metropolitan Development of the City of Indianapolis.

Elevation certificate. The most recently published official elevation certificate document issued by FEMA.

Existing mobile dwelling project or subdivision. A mobile dwelling project or subdivision for which the construction of facilities for servicing the lots on which the mobile dwellings are to be affixed (including, at a minimum, the installation of utilities, construction of streets and either final site grading or pouring of concrete pads) is completed before the effective date of this article.

Expansion to an existing mobile dwelling project or subdivision. The preparation of additional sites for an existing mobile dwelling project or subdivision by the construction of facilities for servicing the lots on which the mobile dwellings are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FDP. Floodplain development permit.

FEMA. Federal Emergency Management Agency.

Fifty percent limit. The maximum amount of work allowed in or on a legally established nonconforming use before the work is not eligible for the special allowances provided for restoration of nonsubstantial damage, nonsubstantial improvements and nonsubstantial additions as provided herein. The proposed work shown on an application for a floodplain development permit in or on a legally established nonconforming use shall be evaluated to determine whether the fifty (50) percent limit has

been exceeded by taking the ratio of the projected cost of the work divided by the market value before the start of construction of the legally established nonconforming use (excluding the value of the land or detached structures) as a percentage.

Fill. Soil material placed upon the ground, compacted and graded for the purpose of elevating the surface of the ground.

Flood or flooding.

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of rivers, streams, ditches or enclosed drainage systems;
 - b. The unusual and rapid accumulation or runoff of surface waters from any source;
 - c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)b. of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)a. of this definition.

Flood insurance study base flood profile. The base flood elevation profile included in the January 5, 2001 flood insurance study published by FEMA.

Floodplain. The area adjoining the river or stream which has been or may hereafter be covered by floodwaters.

Floodproofed building. A nonresidential building designed to exclude floodwaters from the interior of that building. All such floodproofing shall be adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.

Floodproofing certificate. The most recently published official document for floodproofing certificate for nonresidential structures issued by FEMA.

Flood protection grade. The elevation of the lowest point in a building at which floodwaters may enter the interior of the building. Such lowest point is defined by the following:

- (1) The lowest floor of the building (if a basement is included, the basement floor is the lowest floor);
- (2) The garage floor, if the garage is the lowest level of the building (except garages which qualify as an allowed nonhabitable attached accessory enclosure);
- (3) The first floor of buildings elevated on pilings or constructed on an above-ground crawl space;
- (4) The floor level of any enclosure below the elevated first floor, including a crawl space that is below the adjoining ground level at all sides unless the enclosure satisfies the requirements for a nonhabitable attached accessory enclosure;
- (5) The level of protection provided to a nonresidential building below which the building is designed to be floodproofed. The design and construction shall be certified on a floodproofing certificate by a professional engineer or a professional architect as being adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.

Floodwater. The water of any lake or watercourse which is above the banks and/or outside the channel and banks of such watercourse.

Floodway. The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the base flood of any river or stream.

Floodway fringe. The portion of the regulatory floodplain which is not required to convey the one-hundred-year frequency flood peak discharge and therefore lies outside of the floodway.

Habitable space. The enclosed area of any building used for living area including but not limited to bedrooms, bathrooms, kitchens, living rooms, family rooms, dining rooms, recreation rooms, utility rooms and workshops.

Historic structure. Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the national register;
- (2) Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in accordance with state historic preservation programs which have been approved by the secretary of interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the secretary of the interior; or
 - b. Directly by the secretary of the interior.

IDNR. The Indiana Department of Natural Resources.

INRC. The Indiana Natural Resources Commission.

Land alteration. Any change in the topography of land caused by activities including but not limited to excavation, filling, deposit or stockpiling of materials and construction of ponds, dams, or levees outside of a watercourse. For purposes of this article, land alterations do not include the construction, placement of, or other activities involving buildings or nonbuilding structures, or those activities which are defined as open land use in this article, or ordinary maintenance and repair of an IDNR approved land alteration.

Legally established nonconforming use. Any continuous, lawful land use having commenced prior to the time of adoption, revision or amendment of this article, but which fails, by reason of such adoption, revision, amendment or variance, to conform to the present requirements of the flood control zoning district.

LOMA. Letter of map amendment issued by FEMA.

LOMR. Letter of map revision issued by FEMA.

Manufactured home dwelling. A unit which is fabricated in one (1) or more modules at a location other than the home site, by assembly line type production techniques or by other construction methods unique to an off-site manufacturing process. Every module shall bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards. The unit must have been built after January 1, 1981, have at least nine hundred fifty (950) square feet of main floor area (exclusive of garages, carports, and open porches), and exceed twenty-three (23) feet in width.

Market value of structure. The market value of the structure itself, not including the associated land, landscaping or detached accessory structures. The market value must be determined by a method approved by FEMA and ~~DCAM~~ DMD. If an appraisal is used, the appraiser must have at least one (1) of the following designations:

- (1) Member of the American Institute of Real Estate Appraisers (MAI);
- (2) Residential member of the American Institute of Real Estate Appraisers (RM);

- (3) Senior real estate analyst of the Society of Real Estate Appraisers (SREA);
- (4) Senior residential appraiser of the Society of Real Estate Appraisers (SREA);
- (5) Senior real property appraiser of the Society of Real Estate Appraisers (SRPA);
- (6) Senior member of the American Society of Appraisers (ASA);
- (7) Accredited rural appraiser of the American Society of Farm Managers and Rural Appraisers (ARA); or
- (8) Accredited appraiser of the Manufactured Housing Appraiser Society.

Mobile dwelling. A movable or portable unit fabricated in one (1) or more modules at a location other than the home site, by assembly line type production techniques or by other construction methods unique to an off-site manufacturing process. The unit is designed for occupancy by one (1) family, and erected or located as specified by section 536-831 et seq. of this Code, and which was either:

- (1) Constructed prior to June 15, 1976, and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council; or
- (2) Constructed subsequent to or on June 15, 1976, and bears a seal certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards Law.

Mobile dwelling project or subdivision. An area of contiguous land separated only by a street(s) upon which three (3) or more mobile dwellings are designated spaces or lots for the purpose of being occupied as primary residences and includes all real and personal property used in the operation of such mobile dwelling project; or an area of contiguous land separated only by a street that is subdivided and contains individual lots which are sold or intended to be sold, leased or similarly contracted for the purpose of being occupied as a primary residence, is a mobile dwelling project if three (3) or more lots or sites are designated specifically to accommodate mobile dwellings.

New mobile dwelling project or subdivision. A mobile dwelling project or subdivision for which the construction of facilities for servicing the lots on which the mobile dwellings are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this article.

NFIP. National flood insurance program.

Nonbuilding structure. Structures other than buildings including but not limited to public utilities, on-site wastewater disposal systems, water supply systems, sanitary sewers, on-site wastewater treatment systems, lift stations, transmission towers, well pumps, electrical units, bridges, culverts, and any other structures determined by ~~DCAM~~ DMD to constitute a potential hazard to life, health, safety or property caused by exposure to floodwaters during the base flood.

Nonsubstantial addition. A structural enlargement of a structure, the cost of which is less than fifty (50) percent of the market value of the structure before the start of construction.

Nonsubstantial damage. Damage of any origin sustained by a structure and not intentionally caused or inflicted by the owner or occupant whereby the cost of restoring the structure to its predamaged condition would be less than fifty (50) percent of the market value of the structure before the damage occurred.

Nonsubstantial improvement. Any structural improvement of a structure which does not consist of a structural enlargement or repair of damage, the cost of which is less than fifty (50) percent of the market value of the structure before the start of construction of the improvement. This term does not include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
- (2) Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure"; or

- (3) Ordinary maintenance and repair as defined herein.

Open land use. The production of crops, pasture, forests, parks, and recreational uses which do not involve any structure, obstruction, construction, excavation or deposit in a floodway as defined by IDNR, or any land alteration or watercourse alteration as otherwise defined in this article. The following specific activities are classified as open land use:

- (1) Excavation of cemetery grave;
- (2) Exploratory excavations or soil testing under the direction and control of professional engineers, soil engineers, geologists, civil engineers, architects or land surveyors, which are backfilled;
- (3) Ordinary cultivation of agricultural land including tilling, construction of minor open ditches, and crop irrigation; and
- (4) The planting and tilling of gardens, flower beds, shrubs, trees and other common uses and minor landscaping of land appurtenant to residences.

Ordinary maintenance and repair. Construction activity commonly accomplished in or on an existing structure or existing building equipment for the purposes of preventing deterioration or performance deficiencies, maintaining appearance, or securing the original level of performance. Preventing deterioration or deficient performance shall include such activities as caulking windows, painting, pointing brick, oiling machinery and replacing filters. Maintaining appearance shall include such activities as sandblasting masonry and cleaning equipment. Securing the original level of performance shall include such activities as replacing broken glass, patching a roof, disassembling and reassembling a piece of building equipment, welding a broken part and replacing a component of a heating system (but not a furnace) with an identical component. Ordinary maintenance and repair shall not include any construction activity which alters the prior or initial capacity, performance, specifications, type or required energy of functional features of an existing structure or building equipment.

Primary residential structure. The residential building in which the permitted primary use of the lot is conducted.

Professional architect. An architect registered under IC 25-4-1.

Professional engineer. An engineer registered under IC 25-31-1.

Professional surveyor. A surveyor registered under IC 31-1-1.

Recreational vehicle. A self-propelled or towed vehicle designed and intended specifically for temporary living, travel, and leisure activities, including but not limited to boats, motor homes, travel trailers, and camping trailers.

Regulatory flood profile. A longitudinal profile along the thread of a stream showing the maximum water surface elevation attained by the base flood.

Residential building. Any building which possesses the architectural features, traits and qualities indicating or constituting those distinguishing attributes of a residence, such as height, bulk, materials, detailing and similar features.

Shaded zone X. Areas between limits of the one-hundred-year flood and five-hundred-year flood; certain areas subject to one-hundred-year flooding with average depths less than one foot or with drainage areas generally less than one (1) square mile; and areas protected by levees from the base flood.

Standard flood insurance policy. The flood insurance policy issued by the federal insurance Administrator, or an insurer pursuant to an arrangement with the Administrator pursuant to federal statutes and regulations.

Standard proctor. The maximum dry density of a backfill material as determined by the methods set forth within ASTM D 698. The percent standard proctor density is a ratio of the in-place dry density of a backfill material, determined by those methods set forth within ASTM D 1556, to the maximum dry density (determined by Test Method 698). The resulting quotient must be multiplied by one hundred (100), and the value obtained must meet or exceed the minimum values specified herein.

Start of construction. The date that a floodplain development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date.

Structure. Anything that can be constructed, altered, repaired or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, detached garages, gas or liquid storage tanks, cabins, manufactured homes, travel trailers to be placed on a site for more than one hundred eighty (180) consecutive days, and other similar items.

Substantial addition. A structural enlargement of the enclosed space of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the start of construction.

Substantial damage. Damage of any origin sustained by a structure and not intentionally caused or inflicted by the owner or occupant, whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial improvement. Any structural improvement of a structure which does not consist of a structural enlargement or repair of damage, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. The term does not include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
- (2) Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure"; or
- (3) Ordinary maintenance and repair as defined herein.

Variance. A grant of relief from the terms of this article.

Violation. The failure of a structure or development or use to be fully compliant with this article. A structure or use or development without the elevation certificate, other certifications, or other evidence of compliance required.

Watercourse. Natural streams, man-made ditches, lakes, reservoirs, ponds, retention or detention basins, and drainage swales. A watercourse is distinguished from overland flow, sheet flow, shallow swale flow, and storm sewer flow by the following characteristics which must be present to constitute a watercourse:

- (1) Defined and distinguishable stream banks under natural conditions; and
- (2) Regularity of flow in the channel evidenced by a distinguishable waterline vegetation limit or hydrologic characteristics.

Watercourse alteration. Any encroachment, diversion, relocation, impoundment, draining, damming, repair, construction, reconstruction, dredging, enclosing, widening, deepening, filling or other modification of a watercourse. Watercourse alteration does not include the clearing of dead or dying vegetation, debris or trash from the channel, nor does it include ordinary maintenance or repair of an IDNR approved watercourse alteration.

Zone A. Areas within the floodplain established by the flood insurance rate maps where no base flood elevation is provided.

Zone AE. Areas within the floodplain established by the flood insurance rate maps where base flood elevations are provided.

Zone AO. Areas within the floodplain established by the flood insurance rate maps that are subject to sheet flow, ponding, or shallow flooding and where base flood depths (feet above grade) are provided.

Zone AH. Areas within the floodplain established by the flood insurance rate maps that are subject to shallow flooding and where base flood elevations are provided.

SECTION 23. Section 735-600 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 735-600. Establishment of official zoning map; establishment of Regional Center and North Meridian Street Corridor; additional standards and requirements for use and development.

(a) *Establishment of the official zoning map.*

- (1) The county is divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is adopted by reference and declared to be a part of all zoning ordinances for Marion County, Indiana.
- (2) The official zoning map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need. The Director of the Department of Metropolitan Development shall be the custodian of the official zoning map.
- (3) When changes are made in zoning district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been adopted in accordance with IC 36-7-4-600 Series.
- (4) No changes shall be made to the official zoning map except in conformity with the requirements and procedures set forth in the zoning ordinance and state law.

(b) *Establishment of Regional Center and the North Meridian Street Corridor.* The Regional Center and North Meridian Street Corridor secondary zoning district is hereby established. All uses permitted by the various zoning districts applicable to land located within the Regional Center and the North Meridian Street Corridor secondary zoning district, as designated on the official zoning map, shall be subject to the following additional standards and requirements:

All uses of land located within the Regional Center and the North Meridian Street Corridor of Indianapolis, Marion County, Indiana, shall be subject to the Metropolitan Development Commission's approval as included within a required site and development plan approved as hereinafter provided. Provided, however:

-The outdoor retail sales of beverages, flowers and food from carts on sidewalks and public areas shall be subject to the provisions of, and approved by the city controller in accordance with, Chapter 961 of this Code and shall not be subject to the provisions of this article.

-Any lot located within any locally designated historic preservation areas as established by, and under the jurisdiction of, the Indianapolis Historic Preservation Commission (IHPC), shall not be subject to the provisions of this article.

(1) *Requirements of Metropolitan Development Commission approval.*

- a. *Existing uses.* All existing uses, except those uses identified in the amortization section (subsection (a)(2)d.), lawfully in existence on the date of adoption of this article shall be exempt from the provisions of this article, however the alteration, modification, enlargement or improvement to any existing use, or the change in use within an existing structure, which requires an Improvement Location Permit shall also require the Metropolitan Development Commission approval.
- b. *New uses.* No new use, building, improvement, or structure shall be established after the effective date of this article until the proposed use, site and development plan have been filed with and approved by the Metropolitan Development Commission.
- c. *Filing the site and development plan.* All new uses and changes to existing uses shall file a request for approval of the proposed changes.

Upon the filing of such approval request, the Administrator of the Division of Planning and Zoning of the Department of Metropolitan Development, on behalf of the Metropolitan Development Commission, shall consider and either approve, disprove, or approve subject to any conditions, amendments, commitments or covenants by the petitioner, the proposed use, site and development plan. Public and individual notice of such filing and action by the Administrator shall not be required.

The action of the Administrator upon such approval request shall be subject to the filing of an appeal, within ten (10) days, by any aggrieved person to the Metropolitan Development Commission.

The Metropolitan Development Commission may consider and act upon such appeal of the action of the Administrator at any public meeting of the Commission and shall either approve, disapprove, or approve the use, site and development plan subject to any conditions, amendments, commitments, or covenants by the petitioner. The petitioner or appellant, if on appeal, shall have the right to be heard.

Provided, however, rezoning of any land within the Regional Center or North Meridian Corridor from the primary zoning district classification applicable thereto to any other zoning district classification shall require notice as provided by statute and the rules of procedure of the Metropolitan Development Commission.

(2) *Standards and requirements for site and development plan, uses and structures.*

- a. The required site and development plan, drawn to scale, including building and structural plans, shall indicate, where applicable:
 1. Existing uses, buildings and structures, noting those to remain and including a description of construction materials and exterior colors.
 2. Proposed buildings and structures, including a description of materials and colors.
 3. Elevation drawings of proposed buildings and structures.
 4. Off-street parking design and internal traffic pattern.
 5. Vehicular entrances, exits, and turnoff lanes.
 6. Building setbacks.
 7. Landscaping plan showing names, sizes at planting, spacing, and quantity of materials.
 8. Screens, walls, fences, including a description of materials and colors.
 9. Signs, including location, size, elevation, color and design thereof.
 10. Utilities, if aboveground facilities are needed.
 11. Pedestrian ways below, at, or above grade.
 12. All other requirements of section 730-300(b) of this Code.
- b. Details of such a development, including use, signage, building facade treatment, street furnishings and landscaping within the right-of-way, landscape treatment on the site, development intensity and massing of structure shall be so designed to:
 1. Be in conformity with the Regional Center Plan for Indianapolis, Marion County, Indiana, and the North Meridian Street Corridor Development Plan, adopted by the Metropolitan Development Commission's Resolution 82-CPS-R-4, April 15, 1982, 82-CPS-R-1, January 6, 1982; and
 2. Create a superior land development plan, in conformity with the Comprehensive Plan for Marion County, Indiana;
 3. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the Regional Center, the North Meridian Corridor, applicable zoning district and within adjacent uses;
 4. Provide adequate access, parking and loading areas;

5. Provide adequate on-site vehicular circulation integrated with traffic control and existing and planned public streets in the vicinity;
 6. Provide adequately for sanitation, drainage and public utilities;
 7. Allocate adequate sites for all uses proposed - the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions;
 8. Create and maintain clear sight lines which enhance the views of parks and landmarks in the Regional Center and North Meridian Street Corridor for pedestrians and motorists;
 9. Be compatible in construction material, scale, color and pattern with the existing environment.
- c. Uses and structures within the North Meridian Street Corridor shall further be in accordance
1. The following uses, whether existing or proposed, are not permitted and any existing uses listed below are subject to removal in accordance with the amortization section (subsection (a)(2)d.): Class I regulated commercial uses, including amusement arcades, massage parlor service or facility, adult bookstore, adult theatre, adult amusement, recreation or entertainment center or facility, as defined and regulated by Chapter 732 of this Code.
 2. The following uses seeking to locate within the North Meridian Street Corridor after the effective date of this article shall not be permitted. Any of the following uses lawfully in existence on the date of this article shall be permitted to remain.
 - (a) Pawnshops, loan shops, and variety stores.
 - (b) Gasoline service stations, on any lot with frontage on Meridian Street.
 - (c) Used car sales, except as an accessory use to new car sales.
 - (d) Car wash completely indoors, self-service car wash, automatic or semi-automatic car wash.
 - (e) Package liquor store except as a part of an integrated commercial center.
 - (f) Drive-in restaurant (fast food restaurant) except as a part of an integrated commercial center. Drive-in restaurant is defined by Chapter 732.
 - (g) Indoor commercial amusement, recreation and entertainment including: bowling alley, billiard parlor, gymnasium, tennis facility, roller or ice skating rink, night club, private club, or lounge on any lot fronting on Meridian Street except as a part of an integrated commercial center or as an accessory use to an office, hotel, or apartment complex.
 3. All development standards as required by the zoning district shall be applicable in the North Meridian Street Corridor except as modified by this section.
 - (a) Required front yard, minimum setback. Buildings and structures shall be located along the established front setback line (as defined in Chapter 732 of this Code.
 - (b) Use of required yards. Off-street parking shall not be permitted in any required front yard.
 - (c) Screening and landscaping of required front yards.
 - (i) Front yards shall be landscaped in an open pattern, in grass and shrubbery, trees and/or hedge to provide a partial screening of the commercial use. An ornamental, decorative fence or masonry wall, not more than two and one-half (2 1/2) feet in height if solid, or six (6) feet if

open, may be used in conjunction with the landscaping. Chain-link fence may not be used in conjunction with landscaping in required front yards.

Provided, however, along any portion of a lot where parking exists or is proposed in front or at the side of the structure, there shall be provided and maintained along the front lot line of the parking areas a buffer screen of either:

Architectural screen. A wall or fence of ornamental block, brick, solid wood fencing, or combination thereof. Such wall or fence shall be at least forty-two (42) inches in height and shall be so constructed to such minimum height to restrict any view therethrough; or

Plant material screen. A compact hedge of evergreen or deciduous shrubs, at least thirty-six (36) inches in height at the time of planting.

The ground area between such wall, fence or hedge and the front lot line shall be planted and maintained in grass, other suitable ground cover, shrubbery and/or grass. All shrubs and trees shall be planted balled and burlapped and shall meet the standards of the American Association of Nurserymen (a copy of which is on file in the office of the Division of Planning and Zoning, Department of Metropolitan Development of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof).

(ii) Minimum maintenance standards for screening and landscaping area:

- All trash containers/dumpsters shall be screened from frontage views.
- Equipment and supplies such as tires, parts, machinery, tools and the like shall be screened or stored in an enclosed space.
- Inoperable vehicles and any related parts shall be screened or stored in an enclosed space.
- All lawns, required front, rear and side yards shall be regularly mowed during growing season, and shall be free of weeds, trash, and litter at all times.
- Shrubbery, trees, ground cover and planting beds shall be maintained in a safe, functional, and aesthetic condition.
- Walks, steps, drives and parking lots including surface and edges shall be maintained in a safe, functional and clean condition. Chuckholes, in parking lots, broken curbs and crumbling sidewalks shall be repaired to original condition.
- Building exteriors including awnings, porches, hardware and windows shall be properly maintained, kept clean, painted and in good repair.
- All existing and proposed uses shall comply with these maintenance standards after the effective date of this article.

(iii) All existing uses and all new uses shall be required to meet the screening and landscaping provision of this section as stipulated in the amortization provisions of this article (subsection (a)(2)d.).

(d) Signs.

(i) Business signs: Business signs shall comply with the sign regulations of Chapter 734 of this Code and be further modified by the following:

(a) Business signs within the North Meridian Street Corridor shall be limited to wall signs, ground signs, pole signs and projecting signs.

- Pole signs shall not exceed thirty-six (36) square feet per sign face.

- Ground signs shall not exceed thirty-six (36) square feet per sign face.
- Projecting signs shall not exceed eighteen (18) square feet per sign face.
- (b) All existing business signs and all new business signs within the North Meridian Street Corridor shall be required to meet the provisions of this section and the amortization provisions of subsection (a)(2)d. of this section.
- (ii) Advertising signs: Advertising signs shall be permitted and shall comply with the sign regulations of Chapter 734 of this Code.
- (iii) All existing signs and all proposed signs within the North Meridian Street Corridor shall be required to meet the provisions of this section and the amortization provisions of subsection (a)(2)d. of this section.
- d. Amortization provisions. Amortization of certain nonconforming uses and amortization of certain nonconforming site development requirements.
 - 1. Uses to be amortized: All class I regulated commercial uses including amusement arcades, massage parlor service or facility, adult bookstore, adult theatre, adult amusement, recreation or entertainment center or facility, as defined and regulated by Chapter 732 of this Code where such uses are located within the North Meridian Street Corridor on the effective date of this article. Such nonconforming uses shall be terminated before January 1, 1990, and all other use of the land, structure, or premises thereafter shall be in accord with permitted land uses and regulations of the applicable zoning district and the Regional Center secondary zoning district. The termination of such nonconforming uses shall be accomplished without the payment of compensation therefor unless, on the date such termination is required, there is in effect a state statutory provision which specifically requires the payment of compensation for termination or removal of any such use.
 - 2. Amortization of certain nonconforming site development requirements: All property within the North Meridian Street Corridor existing within any zoning district on the effective date of this article:
 - (a) Shall conform to the following subsections of this section before January 1, 1990: Use of required yards (subsection (a)(2)c.3.(b)); screening and landscaping of required yards (subsection (a)(2)c.3.(c)); and business signs (subsection (a)(2)c.3.(d)).
 - (b) Such nonconforming use of required yards, screening and landscaping of required yards, and business signs shall be in accordance with permitted land uses and regulations of the applicable zoning district and the Regional Center Secondary Zoning District of Marion County upon such date. The termination of such nonconforming standards or uses shall be accomplished without the payment of compensation therefor unless, on the date such termination is required, there is in effect a state statutory provision which specifically requires the payment of compensation for the termination or removal of any such use.
- (3) *Legal establishment of nonconforming uses that were not legally initiated prior to April 8, 1969.*
 - a. A nonconforming use in a Regional Center district of this article shall be deemed to be legally established (relative to both use and development standards) if the use:
 - 1. Existed prior to April 8, 1969; and
 - 2. Has continued to exist from April 8, 1969, to the present; and
 - 3. Has not been abandoned; and

4. Of the entire building has not been vacant voluntarily for any period of three hundred sixty-five (365) consecutive days.

A certificate stating the use and development of a property are legally established under this section shall be available from the Administrator on the presentation of sufficient evidence. The rules of procedure of the Metropolitan Development Commission shall outline the procedure to be followed in order to obtain an official certificate.

- b. Any construction, erection, conversion (including, but not limited to the addition of dwelling units), enlargement, extension, reconstruction or relocation occurring after April 8, 1969, must have been done in conformity with these regulations and have been done for uses permitted by this article. Any such future activity shall not be permitted except in conformity with these regulations and for uses permitted by this article.
- c. Subsection (a)(3) shall:
 - Have no effect upon the powers of the Consolidated City of Indianapolis, Marion County, or any unit or agency thereof, or the Health and Hospital Corporation of Marion County, Indiana, to enforce other public health and safety laws and ordinances affecting real property, including those contained in IC 34-1-52-1 through 34-1-52-4 (Codification of Common Law Nuisance).
 - Not relieve any property of the obligation to comply with conditions and commitments which lawfully apply to the property made in connection with any variance, rezoning, platting, or other zoning decision.

SECTION 24. Sections 735-750 and 735-751 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 735-750. Special Use District regulations.

The following regulations shall apply to all land within the Special Use Districts:

(a) *Applicability of regulations for Special Use (SU) Districts.* After the effective date of this article:

- (1) No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this article and until the proposed site and development plan and landscape plan have been filed with and approved on behalf of the Metropolitan Development Commission by the Administrator of the ~~Neighborhood and Development Services~~ Division of Planning or approved by the Metropolitan Development Commission, as hereinafter provided. Such request shall be in the form of an application for an Improvement Location Permit, following all requirements for plan submission and documentation of section 730-300 et seq. of this Code, and shall contain the information specified in subsection (b)(1) of this section.
- (2) All land use within the Special Use Districts shall be limited to the use or uses existing on the effective date of this article or specified in the applicable rezoning petition or ordinance redistricting and zoning the particular land to that district.

(b) *Site and development plan consideration.* Upon the application for such permit, the Administrator of the ~~Neighborhood and Development Services~~ Division of Planning on behalf of the Metropolitan Development Commission, shall consider and either approve, disapprove, or approve subject to any conditions, amendments or commitments agreed to by the applicant, the proposed site and development plan and landscape plan.

- (1) *Plan documentation and supporting information.* The site and development plan shall include layout and elevation plans for all proposed buildings and structures, and shall indicate:
 - a. Proposed Special Use District uses.
 - b. Any existing uses, buildings, and structures.
 - c. Proposed buildings and structures.

- d. Off-street parking layout.
 - e. Vehicular entrances and exits and turnoff lanes.
 - f. Setbacks.
 - g. Landscaping, screens, walls, fences.
 - h. Signs, including location, size and design thereof.
 - i. Sewage disposal facilities.
 - j. Storm drainage facilities.
 - k. Other utilities if aboveground facilities are needed.
- (2) *Site and development requirements.* Land in the SU Districts is subject to the following site and development requirements. In review of the proposed site and development plan, the Commission shall assess whether the site and development plan, proposed uses, buildings and structures shall:
- a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan of Marion County, Indiana, including the applicable university quarter plan;
 - b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the Special Use District and with adjacent uses;
 - c. Provide sufficient and adequate access, parking and loading areas;
 - d. Provide traffic control and street plan integration with existing and planned public streets and interior access roads;
 - e. Provide adequately for sanitation, drainage and public utilities; and
 - f. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana.
- (c) *Public notice.* Public notice of the filing of an application under this section and public notice of the decision by the Administrator relative to such application shall not be required.
- (d) *Administrator's approval.* The Administrator shall be required to use the standards of subsections (b)(2) and (f) in the review and disposition of such structures and improvements.
- Appeal of Administrator's decision.* Where the Administrator is given the authority of discretionary approval of plans and specifications, or the method or manner of qualification, or any other similar authority, any party of interest shall have the right to appeal such action by the Administrator before the Metropolitan Development Commission for its review and approval or disapproval as an appeal in the form of an approval petition. Such appeal shall be filed within ten (10) business days of approval or denial of the approval as specified in, and following, the rules of procedure of the Metropolitan Development Commission. In any appeal decision, the Commission shall make written findings of its decision as required in subsection 735-740(b)(3).
- (e) *Improvement Location Permit requirements.* No building or structure shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated in the Special Use Districts of Indianapolis, Marion County, Indiana, without an Improvement Location Permit, and such permit shall not be issued until the proposed site and development plan has been approved in accordance with this section.
- (f) *Development standards.* In addition to the site and development requirements of subsection (b)(2) of this section, all uses permitted within the Special Use Districts shall be administratively

reviewed (as noted in subsection (a)(1) above), using as an administrative guide, the development standards applicable to the specified district as follows:

<i>Special Use Zoning District</i>	<i>Applicable District for Development Standards Review</i>
SU-1	C-1
SU-2	C-1
SU-3	C-5
SU-5	I-2-S
SU-6	C-2
SU-7	C-2
SU-8	C-2
SU-9	C-1
SU-10	C-1
SU-13	(As per subsection (g) of this section)
SU-16	C-5
SU-18	I-1-S
SU-20	C-1
SU-23	I-4-S
SU-28	I-4-S
SU-34	C-3
SU-35	I-2-S
SU-37	C-1
SU-38	C-3
SU-39	C-1
SU-41	I-4-S
SU-42	C-1 (and as per subsection (h) of this section)
SU-43	I-1-S
SU-44	C-3 (and as per subsection (i) of this section)

The Administrator, in reviewing Special Use District development, shall consider the standards noted above, and may approve alternatives for those requirements so long as the alternative standards are appropriate for the site and its surroundings, and the site development is compatible and consistent with the intent of the stated standards. Such modifications shall be noted on the site and development plan, stamped approved by the Administrator and become a part of the file and requirements for the Improvement Location Permit.

(g) *Additional development standards for the Special Use XIII (SU-13) District.* In addition to the regulations of section 735-701(a) and (b) and subsections (a) through (f) of this section, the following regulations shall apply to Special Use District XIII (SU-13):

- (1) *Land use restriction.* Land use permitted in the SU-13 District shall be limited to "sanitary landfill" operations, as defined in section 735-751. Whenever the applicable standards or requirements of any other ordinance, or governmental unit or agency thereof are higher or more restrictive, the latter shall control land use permitted in the SU-13 District. "Open dumping," as defined in section 735-751, shall not be permitted in the SU-13 District. No use in the SU-13 District shall be maintained or operated in a manner constituting a hazard to health, safety or the public welfare.
- (2) *Minimum lot area.* Ten (10) acres.
- (3) *Minimum frontage.* Three hundred (300) feet.
- (4) *Minimum yards.* Minimum required depth of front, rear and side yards, surrounding the landfill operation: One hundred (100) feet. No landfill operation, or portion thereof, shall be permitted within one hundred (100) feet of any lot line.
- (5) *Fencing.* The entire landfill operation shall be enclosed with a substantial wall, fence at least five (5) feet in height, or other adequate barrier.
- (6) *Buffer strip.* A buffer planting strip, requiring trees, shrubs and woody vegetation, at least thirty (30) feet in depth, shall be provided and maintained between the lot lines and the above required fencing or other enclosure.
- (7) *Signs.* Signs and sign structures shall comply with Chapter 734 of this Code.

- (8) *Access drive.* Distance of driveway entrance or exit from any adjacent lot line shall be at least one hundred twenty-five (125) feet. Any portion of such access drive within a distance of one hundred fifty (150) feet of the public street shall be paved or treated so as to be dust free.
- (9) *Required permit, site and operational plan; bond.*
- a. No sanitary landfill operation (or phase thereof) shall be permitted in the SU-13 District until a permit has been issued by the ~~neighborhood and development services~~ division of compliance and a bond filed therefor, as required by subparagraph b. hereof.
 - b. Applications for the permit required by subparagraph a. above shall be made in writing and shall be accompanied by a corporate surety bond for the faithful performance of all applicable requirements of this article, including the operation and the completion of the sanitary landfill in accordance with the approved site and operational plan, as required by subparagraph c. hereof. (Such permit may be issued and bond filed for the total operation or for one (1) or more phases thereof, as shown on the site and operational plan.) Such bond shall run jointly and severally to the Metropolitan Development Commission of Marion County, Indiana, and any other governmental agency requiring a similar bond, and shall be in the amount of ten thousand dollars (\$10,000.00) per operation, with approved surety. Such bond shall specify the time for completion of all applicable requirements of this article and shall specify the total operational area, or phase thereof, covered by the bond.
 - c. Applications for the permit required by subparagraph a. above shall be accompanied by the following:
 1. Proposed site and operational plan, including topographic maps (at a scale of not over one hundred (100) feet to the inch) with contour intervals which clearly show the character of the land and geological characteristics of the site as determined by on-site testing or from earlier reliable survey data, indicating soil conditions, water tables and subsurface characteristics. The plan shall indicate: the proposed fill area; any borrow area; access roads; on-site drives; grades for proper drainage of each lift required and a typical cross-section of a lift; special drainage devices if necessary; location and type of fencing; structures existing or to be located on the site; existing wooded areas, trees, ponds or other natural features to be preserved; existing and proposed utilities; phasing of landfill operations on the site; a plan and schedule for site restoration and completion; a plan for the ultimate land use of the site; and all other pertinent information to indicate clearly the orderly development, operation and completion of the sanitary landfill. Approval of the site and operational plan by the Administrator of the ~~neighborhood and development services~~ division of planning shall be required prior to the issuance of the permit.
 2. An area map.
- (10) *Operation.*
- a. *Supervision of operation.* A landfill operation shall be under the direction of a responsible individual at all times. Access to a sanitary landfill shall be limited to those times when an attendant is on duty and only to those authorized to use the site for the disposal of refuse. Access to the site shall be controlled by a suitable barrier.
 - b. *Unloading of refuse.* Unloading of refuse shall be continuously supervised.
 - c. *Site maintenance.* Measures shall be provided to control dust and blowing paper. The entire area shall be kept clean and orderly.
 - d. *Spreading and compacting of refuse.* Refuse shall be spread so that it can be compacted in layers not exceeding a depth of two (2) feet of compacted material. Large and bulky items, when not excluded from the site, shall be disposed of in a manner approved by the health and hospital corporation.
 - e. *Daily cover.* A compacted layer of at least six (6) inches of suitable cover material shall be placed on all exposed refuse by the end of each working day.

- f. *Final cover.* A layer of suitable cover material compacted to a minimum thickness of two (2) feet shall be placed over the entire surface of each portion of the final lift not later than one (1) week following the placement of refuse within that portion.
 - g. *Maintenance of cover.* All daily cover depths must be continually maintained and final cover depths shall be maintained for a period of two (2) years.
 - h. *Hazardous materials, including liquids and sewage.* Hazardous materials, including liquids and sewage, shall not be disposed of in a sanitary landfill unless special provisions are made for such disposal through the health department having jurisdiction. This provision in no way precludes the right of a landfill operator to exclude any materials as a part of his operational standards.
 - i. *Burning.* No refuse shall be burned on the premises.
 - j. *Salvage.* Salvaging (the controlled removal of reusable materials), if permitted, shall be organized so that it will not interfere with prompt sanitary disposal of refuse or create unsightliness or health hazards. Scavenging (the uncontrolled removal of materials) shall not be permitted.
 - k. *Insect and rodent control.* Conditions unfavorable for the production of insects and rodents shall be maintained by carrying out routine landfill operations promptly in a systematic manner. Supplemental insect and rodent control measures shall be instituted whenever necessary.
 - l. *Drainage of surface water.* The entire site, including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent erosion or washing of the fill, to drain off rainwater falling on the fill, and to prevent the collection of standing water.
 - m. *Characteristics of cover material.* Cover material shall be of such character that it can be compacted to provide a tight seal and shall be free of putrescible materials and large objects.
 - n. *Water pollution and nuisance control.* Sanitary landfill operations shall be so designed and operated that conditions of unlawful pollution will not be created and injury to ground and surface waters avoided which might interfere with legitimate water uses. Water-filled areas not directly connected to natural lakes, rivers or streams may be filled with specific inert material not detrimental to legitimate water uses and which will not create a nuisance or hazard to health. Special approval of the inert material to be used in this manner shall be required in writing from the health and hospital corporation. Inert material shall not include residue from refuse incinerators.
 - o. *Equipment.* Adequate numbers, types and sizes of properly maintained equipment shall be used in operating the landfill in accordance with good engineering practice and with these rules. Emergency equipment shall be available on the site or suitable arrangements made for such equipment from other sources during equipment breakdown or during peak loads.
- (11) *Completion of landfill.* Upon completion of the landfill operation, or any phase thereof as indicated on the approved site and operational plan, the land shall be graded, backfilled and finished to a surface which will:
- a. Result in a level, sloping or gently rolling topography in substantial conformity or desirable relationship to the original site, and land area immediately surrounding; and
 - b. Minimize erosion due to rainfall. Such graded or backfilled area shall be sodded or surfaced with soil of a quality at least equal to the topsoil of vegetation producing land areas immediately surrounding, and to a depth of at least six (6) inches. The topsoil shall be planted with trees, shrubs, legumes or grasses, as indicated on the approved site and operational plan.

(h) *Additional development standards for the Special Use XXXXII (SU-42) District.* In addition to the regulations of section 735-701(a) and (b) and subsections (a) through (f) of this section, the following regulations shall apply to all gas conditioning and control facilities, including odorizing, mixing, metering and high pressure regulating substations permitted under such Special Use District XXXXII

(SU-42), and where the word "lot" is used in the following twelve (12) paragraphs, it shall be deemed to include, but not be limited to, any area of land designated as a lot on a platted subdivision or described on a duly recorded deed or area or parcel of land or site:

- (1) The storage, utilization or manufacture of all products or materials shall conform to the standards prescribed by the National Fire Protection Association. The requirements pertaining to the storage, utilization or manufacture of all products or materials contained in the standards prescribed by the National Fire Protection Association are hereby incorporated into this article by reference and made a part hereof. Such storage, utilization or manufacture shall not produce a hazard or endanger the public health, safety and welfare.
- (2) All uses shall conform to the Atomic Energy Commission's standards for protection against radiation. The Atomic Energy Commission's standards for protection against radiation are hereby incorporated into this article by reference and made a part hereof.
- (3) All uses shall conform to the Federal Communications Commission's standards governing electromagnetic radiation. The Federal Communications Commission's standards governing electromagnetic radiation are hereby incorporated into this article by reference and made a part hereof.
- (4) No building or structure for uses permitted under such Special Use District XXXXII (SU-42) shall be constructed and no premises shall be used for such purposes on any lot which does not have direct frontage on one (1) permanently surfaced public street.
- (5) All uses permitted under such Special Use District XXXXII (SU-42) shall provide hardsurfaced, off-street parking areas, including as a minimum requirement one (1) space (containing three hundred thirty (330) square feet in addition to the necessary ingress and egress lanes) for each two (2) employees, computed on the basis of the greatest number of persons employed at any one (1) period during the day or night. Such parking areas must not extend within twenty (20) feet of any lot boundary except where the lot boundary abuts an active railroad line. Such parking areas shall not be leased or rented for hire, but shall be for the sole use of the occupants and visitors of the premises.
- (6) The total of the gross floor area of all structures on the lot, excluding the gross floor area of off-street parking building space, shall not exceed one-half (1/2) the area of the lot on which the structures are located.
- (7) A front yard shall be required along every front lot line. A front yard shall be not less than the established setback for abutting land; provided, however, in the event such established setbacks of abutting land shall not be of equal depth, the front yard shall be not less than the depth of the greater, and in the event the abutting land is in an industrial or commercial district, the front yard shall be not less than sixty (60) feet in depth. Provided further that in the event the lot adjoins a dwelling district, the fence and hedge referred to in paragraph (12) hereof shall not be located closer to any street right-of-way than the established setback line of the dwelling district, such fence to be not less than fifteen (15) additional feet from the outside of the building or structure as provided in paragraph (12) hereof. Except for necessary walks, drives and parking areas not exceeding ten (10) percent of the front yard area, a front yard shall be planted in grass or other suitable ground cover.
- (8) A side yard shall be provided along each side lot line. A side yard shall be at least fifty (50) feet in depth (except where it abuts a main line railroad) plus one (1) foot for each foot of height by which the building or structure exceeds twenty (20) feet.
- (9) A rear yard shall be provided along each rear yard line. A rear yard shall be at least fifty (50) feet in depth (except where it abuts an active main line railroad) plus one (1) foot for each foot of height by which the building or structure exceeds twenty (20) feet.
- (10) All signs shall meet the requirements of Chapter 734 of this Code.
- (11) All gas conditioning and control facilities permitted under such Special Use District XXXXII (SU-42) and equipment relating thereto shall be housed in buildings or structures of masonry construction, unless otherwise prescribed by law or by the standards of the National Fire Protection Association which are incorporated herein by reference and made a part hereof.
- (12) Each building or structure housing such facilities and equipment shall be enclosed by a six-foot chain link fence, with locked gate, not less than fifteen (15) feet from the outside of such

building or structure and a compact hedge not less than six (6) feet in height between such fence and the property line. Such hedge shall not be located closer than twenty-five (25) feet to any street right-of-way. In the event the lot adjoins a dwelling district, the fence and hedge shall not be located closer to any street right-of-way than the established setback line of the dwelling district.

(i) *Additional regulations applicable to Special Use XXXXIV (SU-44) District.* In addition to the regulations of section 735-701(a) and (b) and subsections (a) through (f) of this section, the following regulations shall apply to Special Use District XXXXIV (SU-44):

- (1) *Permitted uses.* The only commercial activities permitted in this district shall be: pari-mutuel wagering on horse races, providing full service dining facilities by the holder of a satellite facilities license issued under IC 4-31-5.5.
- (2) *Development standards:*
 - a. All wagering and food and beverage service shall be conducted entirely inside the facility, which shall be designed so that none of the wagering activities, including betting, video monitors, and odds and contest-result displays, shall be visible to any person at any location outside the facility.
 - b. No drive-through service or outside sales shall be permitted.
 - c. No outside speakers or video monitors shall be used to advertise or display the contests, odds or other information about the wagering activities conducted within the facility.
 - d. Minimum parking of one (1) parking space per employee per largest work shift plus one (1) parking space for each seventy-five (75) square feet of gross area of the facility.
 - e. No accessory structures shall be permitted.
 - f. *Lighting of parking area:*
 1. When parking areas are illuminated, the lighting equipment shall provide good visibility with a minimum of direct glare.
 2. In applying exterior lighting, equipment shall be of an appropriate type and be so located, shielded and directed that the distribution of light is confined to the area to be lighted.
 3. Objectionable light onto adjacent properties and streets shall be avoided to prevent direct glare or disability glare.
 4. Lighting levels for outdoor parking areas shall meet the following minimum average maintained horizontal footcandles (as specified in Architectural Graphics Standards, Eighth Edition, Ramsey/Sleeper, John Wiley and Sons, Inc., New York, New York). The minimum average maintained horizontal footcandles specified in Architectural Graphics Standards for Lighting Levels for Outdoor Parking Areas are hereby incorporated into this article by reference and made a part hereof.
 5. Further, it shall be prohibited to:
 - (a) Light an area by the use of stringers or unshielded incandescent lamps in which the entire lamp envelope is designed to function as a light emitter; and
 - (b) Make use of attention attracting lighting from any apparatus of any type similar to that used by emergency vehicles.
 - g. *Signs.* All signs shall meet the requirements of Chapter 734 of this Code.

- (3) *No use permitted near specified districts.* No use of any land, structure or premises shall be permitted if any portion of the perimeter of the subject lot is located within five hundred (500) feet of the following zoning districts:
- a. Dwelling districts;
 - b. Historic preservation districts;
 - c. Park districts;
 - d. University Quarter districts;
 - e. SU-1 District (church);
 - f. SU-2 District (school);
 - g. SU-37 District (library);
 - h. SU-38 District (community center).

In addition to the zoning districts noted above, this regulation shall also apply to any portion of the perimeter of a lot containing a church, elementary school, junior high school, high school, as defined in IC 20-10.1-1, college or university regardless of zoning classification. If such use is a part of or included within an integrated center, the perimeter of the portion thereof or leased space occupied by such use shall be deemed the perimeter of the lot for purposes of the above distance computation.

Sec. 735-751. Construction of language and definitions.

(a) *Construction of language.* The language of this article shall be interpreted in accordance with the following regulations:

- (1) The particular shall control the general.
- (2) In the case of any difference of meaning or implication between the text of this article and any illustration or diagram, the text shall control.
- (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (4) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (5) A "building" or "structure" includes any part thereof.
- (6) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" or "occupied for."
- (7) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either . . . or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either . . . or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

(b) *Definitions.*

Administrator. Administrator of the ~~neighborhood and development services~~ division of planning or his/her appointed representative. Where the 1400 series of IC-36-7-4 gives authority to perform a function to Commission staff, the Administrator, or his/her appointed representative, shall be deemed to be Commission staff.

Assisted-living facility. A residential facility that provides a combination of housing, social activity, supportive services, personalized assistance, and health care, designed to foster independent living, yet respond to the individual needs of those who need help with activities of daily living (ADL - for purposes of this definition this means such activities as walking, eating, dressing, bathing, toileting, and transfer between, or in and out of a chair or bed) and instrumental activities of daily living (IADL - for purposes of this definition this means activities such as doing laundry, cleaning of living areas, meal preparation, engaging in recreational or leisure activities, taking medications properly, managing money and conducting business affairs, using public transportation, writing letters, or using the telephone). Supportive services are available twenty-four (24) hours a day to meet scheduled and unscheduled needs of residents. Such facilities are not licensed as a nursing home. Facilities have single- or double-occupancy living units which contain most dwelling unit features, such as lockable units, a food preparation area, and a full bathroom facility.

Building. Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having a permanent roof supported by columns or walls.

Commission. The Metropolitan Development Commission of Marion County, Indiana.

Commitment. An official agreement concerning and running with the land as recorded in the office of the Marion County Recorder.

Condition. An official agreement between the municipality and the petitioner concerning the use or development of the land as imposed by the Board of Zoning Appeals.

Gross floor area. The number of the square feet of horizontal floor area of a building measured from the exterior faces of the exterior walls or from the center line of a wall separating two (2) abutting buildings.

Hardsurfaced. Quality of an outer area being solidly constructed of pavement, brick, paving stone, or a combination thereof.

Height, building. The vertical distance above a reference line measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the height of the highest gable of a pitched or hipped roof. The reference line shall be selected by either of the following, whichever yields a greater building height:

- (1) The elevation of the highest adjoining sidewalk or ground surface within a ten-foot horizontal distance from and paralleling the exterior wall of the building or structure when the sidewalk or ground surface is not more than ten (10) feet above lowest grade;
- (2) An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface is more than ten (10) feet above the lowest grade.

Legally established nonconforming building or structure. Any continuous, lawfully established building or structure erected or constructed prior to the time of adoption, revision or amendment or granted variance of the zoning ordinance, but which fails, by reason of such adoption, revision, amendment or variance, to conform to the present requirements of the zoning district.

Legally established nonconforming use. Any continuous, lawful land use having commenced prior to the time of adoption, revision or amendment, or grant of a variance of the zoning ordinance but which fails, by reason of such adoption, revision, amendment, or variance to conform to the present requirements of the zoning district.

Lot line. The legal boundary of a lot as recorded in the office of the Marion County Recorder.

Lot line, front. The lot line(s) coinciding with the street rights-of-way; in the case of a corner lot, both lot lines coinciding with the street rights-of-way shall be considered front lot lines; or in the case of a through lot, the lot line which most closely parallels the primary entrance to the primary structure shall be considered the front lot line, or so declared by the Administrator.

Lot line, rear. A lot line which is opposite and most distant from the front lot line, or in the case of a triangularly shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line. However, in the case of a corner lot, any lot line which intersects with a front lot line shall not be considered a rear lot line.

Lot line, side. Any lot line not designated as a front or rear lot line.

Open dumping. A site where refuse is dumped, which due to lack of control may create a breeding place for flies and rats, may catch fire or produce air pollution.

Permitted use. Any use by right authorized in a particular zoning district or districts and subject to the restrictions applicable to that zoning district.

Religious use. A land use devoted primarily to divine worship together with reasonably related accessory uses, which are subordinate to and commonly associated with the primary use, which may include but are not limited to, educational, instructional, social or residential uses.

Sanitary landfill. A method of disposing of refuse on land without creating nuisances or hazards to public health, safety, or welfare by utilizing principals of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, covering it with a layer of suitable cover at the conclusion of each day's operation or at more frequent intervals as necessary.

Setback. The minimum horizontal distance established by ordinance between a proposed right-of-way line or a lot line and the setback line.

Setback line. A line that establishes the minimum distance a building, structure, or portion thereof, can be located from a lot line or proposed right-of-way line.

Site plan. The plan, or series of plans, drawn to scale, for one (1) or more lots on which is shown the existing and proposed location and conditions of the lot including as required by the Improvement Location Permit ordinance, but not limited to: topography, vegetation, drainage, floodplains, marshes, and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, buildings, structures, signs, lighting and screening devices, center lines of rights-of-way, and dimensions.

Structure. A combining or manipulation of materials to form a construction, erection, alteration or affixation for use, occupancy, or ornamentation, whether located or installed on, above, or below the surface of land or water.

Thoroughfare. The segment of the Comprehensive Plan for Marion County, Indiana, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to IC-36-7-4 that sets forth the location, alignment, dimensions, identification and classification of freeways, expressways, parkways, primary arterials, secondary arterials, or other public ways as a plan for the development, redevelopment, improvement, and extension and revision thereof.

Yard, front. An open space unobstructed to the sky, extended fully across the lot while situated between the front lot line and a line parallel thereto, which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line.

Yard, rear. An open space unobstructed to the sky extending fully across the lot situated between the rear lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line.

Yard, side. An open space unobstructed to the sky extending the length of the lot situated between a side lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the point of contact with any rear or front yards or any lot line, whichever occurs first.

SECTION 25. Sections 735-800 and 735-801 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 735-800. Establishment of official zoning map; establishment of wellfield protection districts.

(a) *Establishment of the official zoning map.*

- (1) The county is divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is adopted by reference and declared to be a part of all zoning ordinances for Marion county, Indiana.
- (2) The official zoning map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need. The director of the department of metropolitan development shall be the custodian of the official zoning map.

- (3) When changes are made in zoning district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been adopted in accordance with IC 36-7-4-600 Series.
- (4) No changes shall be made to the official zoning map except in conformity with the requirements and procedures set forth in the zoning ordinance and state law.

(b) *Establishment of wellfield protection districts.* The following secondary Wellfield Protection Zoning Districts for Marion County, Indiana, are hereby established, and land within the county is hereby classified, divided and zoned into such districts as designated on the official zoning map.

Wellfield Protection Zoning Districts

Zoning District Symbols

One Year Time-of-Travel Protection Area (secondary)	W-1
Five Year Time-of-Travel Protection Area (secondary)	W-5

(c) *Studies and evaluations of the W-1 and W-5 Districts.* The W-1 and W-5 Districts shall be reevaluated by the ~~Department of Public Works, Environmental Resources Management Division ("ERMD")~~ OES, with input from a Committee including representatives from ~~ERMD~~ OES, the Department of Metropolitan Development ("DMD"), Health and Hospital Corporation of Marion County, Indiana, and applicable water utilities, no less frequently than every five (5) years to determine scientific reasonableness of the districts' maps. The first of these reevaluations shall be completed by ~~ERMD~~ OES on or before December 31, 1998.

(d) *Reports.*

- (1) The ~~ERMD~~ OES shall provide progress reports on the studies and evaluations as required in subsection (a) above to the chairman of the Metropolitan Development Committee of the city-county council and to the Commission, the first of which reports shall be within thirty (30) days of the initiation of the study provided for in subsection (a)(2) above, and thereafter such reports shall be provided on a quarterly basis.
- (2) Every water utility having a wellfield within a W-1 or W-5 District shall on or before January 15, 1998, prepare and file with the chairman of the Metropolitan Development Committee of the city-county council, the Commission and the Health and Hospital Corporation of Marion County the water utility's water quality monitoring plan for that year, including therein a description of the program designed to alert the water utility of any potential contamination of the groundwater underlying each of the water utility's wellfields. Any amendment to such plan by a water utility shall be filed within thirty (30) days of that amendment with the chairman of the Metropolitan Development Committee of the city-county council, the Commission, and the Health and Hospital Corporation of Marion County.

Sec. 735-801. General regulations.

The following regulations shall apply to all land within the Wellfield Protection Zoning Districts. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to such land, and in case of conflict, the more restrictive regulations shall apply.

(a) *Applicability of regulations.* The following regulations shall apply to all land within the Wellfield Protection Zoning Districts, with the exceptions of single- and multi-family residential land uses. After the effective date of this article: No building, structure, premises or part thereof shall be constructed, erected, enlarged, extended, or relocated except in conformity with these regulations and for uses permitted by this article and until the proposed site and development plan has been filed with and approved on behalf of the Metropolitan Development Commission by a technically qualified person. Such request shall be in the form of an application for an Improvement Location Permit, following all requirements for plan submission and documentation of section 730-300 et seq. of this Code and shall contain the information specified in section 735-802(c)(1) through (12).

(b) *Development plans required.*

- (1) In the W-1 District or the W-5 District, a site and development plan is required to be filed with and approved on behalf of the Metropolitan Development Commission by the technically qualified person in the ~~Division of Neighborhood Services~~ Department of Public Works for any of the land uses listed in subsection (b)(2) below when an Improvement Location Permit is required. However, those listed land uses in the W-1 District that, in their ordinary course of

business, have less than the threshold amount of one (1) gallon of liquids in the aggregate or six (6) pounds of water soluble solids in the aggregate and those land uses in the W-5 District that, in their ordinary course of business, have less than the threshold amount of one hundred (100) gallons of liquids in the aggregate or six hundred (600) pounds of water soluble solids in the aggregate on site are excluded from this site and development plan requirement. In determining thresholds, the following substances shall be exempted:

- a. Reasonable quantities of substances used for routine building and yard maintenance stored inside a facility.
 - b. Liquids required for normal operation of a motor vehicle in use in that vehicle.
 - c. Substances contained within vehicles for bulk deliveries to the site.
 - d. Beverages and food at restaurants, supermarkets, convenience stores, and other retail food establishments.
 - e. Uncontaminated public water supply water, groundwater and/or surface water.
 - f. Substances, which are packaged in pre-sealed containers, sold at retail establishments.
 - g. Substances utilized for the production and treatment of public water supply.
 - h. Substances which, because of their inherent properties, are determined from time to time by the technically qualified person to pose no significant threat to groundwater.
- (2) Land uses requiring a site and development plan approval. (Development associated with the land uses listed below, but used exclusively for offices, does not require a site and development plan.)

Primary land uses:

Agricultural chemical storage

Animal feedlots or stockyards

Asphalt or tar production

Automotive supplies distribution

Blast furnaces, steel works, rolling or finishing mills

Building cleaning or maintenance services company

Building materials production

Car or truck wash

Chemical or petroleum storage or sales

Chemical, blending or distribution

Clay, ceramic or refractory minerals mining or quarrying

Construction contractors' equipment or materials storage

Creosote manufacturing or treatment

Dry cleaning plants or commercial laundries

Educational, engineering or vocational shops or laboratories

Electroplating operations or metal finishers

Equipment repair

Fat rendering

Food or beverage production (excluding restaurants, catering and other retail food establishments)

Furniture or wood strippers, refinishers

Fuel dispensing facilities

Golf courses or driving ranges

Hazardous waste treatment, storage or disposal

Hospitals

Laboratories: medical, biological, bacteriological, chemical

Landscape or lawn installation or maintenance service (commercial)

Large institutional uses: convalescent or nursing homes, correctional or penal institutions, schools, colleges or universities

Leather tanning or finishing

Limestone, sand or gravel mining or quarrying

Machine, tool or die shop

Manufacture of:

Autos or trucks

Cement

Chemicals or gases

Colors, dye, paint or other coatings

Communication equipment

Detergents or soaps

Explosives, matches, or fireworks

Glass or glass products

Light portable household appliances; electric hand tools; electrical components or subassemblies; electric motors; electric or neon signs

Machinery, including electrical or electronic machinery; or equipment or supplies (circuits or batteries).

Major electric or gas household appliances

Marine equipment

Musical instruments

Office machinery, electrical or mechanical

Paper, paper box or paper products

Recording instruments

Tools or implements, machinery or machinery components

Wood products

Materials transport or transfer operations (truck terminals)

Metal mining

Mortuary or other embalming services

Motor or body repair: auto, truck, lawnmower, airplane, boat, motorcycle

Municipal waste landfill or transfer station

Oil or gas production wells

Oil or liquid materials pipelines

Painting or coating shops (utilizing liquids or water soluble solids)

Pesticide or fertilizer application services

Petroleum refining

Photographic processing facilities

Printing industries (utilizing liquid inks)

Radioactive waste handling or storage

Road salt storage

Rubber or plastics processing or production

Scrap or junk yards

Slaughterhouse or meat packing

Sludge treatment or disposal

Solid waste treatment, storage or disposal (involving potential groundwater contaminants)

Stamping or fabricating metal shops using press, brakes, or rolls

Textile production

Warehousing of potential groundwater contaminants

Wastewater treatment facilities

Wood preservers or treaters

Accessory land uses:

Car or truck wash (if an underground storage tank is used)

Dry cleaning plants (if forty (40) gallons or more of petroleum or chlorinated solvents are used or stored in a single container on site)

Motor or body repair: auto, truck, lawnmower, airplane, boat, motorcycle (if fifty-five (55) gallons or more in aggregate of petroleum or chlorinated solvents are used or stored on site)

Fuel dispensing facilities

Outdoor road salt storage (if over one (1) ton in bulk)

- (3) Where an existing use is being expanded, the site and development plan shall generally describe the entire site but only the expansion development is subject to review. Only those chemicals to be used, stored, or handled in the expanded area shall be calculated in determining threshold amounts.

(c) *Commitments.* The Commission may permit or require commitments.

(d) *State statutory basis.* The applicable Indiana Planning and Zoning Laws pertaining to this article are the 1) 1400 Series - Development Plans of IC 36-7-4 and; 2) 600 Series - Zoning Ordinance (IC 36-7-4-600. Regulations contained in, and revisions to, this article reflect the provisions of the 1400 Series - Development Plans, and the 600 Series - Zoning Ordinance.

SECTION 26. Section 735-803 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 735-803. Construction of language and definitions.

(a) *Construction of language.* The language of this article shall be interpreted in accordance with the following regulations:

- (1) The particular shall control the general.
- (2) In the case of any difference of meaning or implication between the text of this article and any illustration or diagram, the text shall control.
- (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (4) Words used in the present tense shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (5) A "building" or "structure" includes any part thereof.
- (6) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- (7) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either . . . or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either . . . or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

(b) *Definitions.* The words in the text or illustrations of this article shall be interpreted in accordance with the following definitions. The illustrations and diagrams in this section provide graphic representation of the concept of a definition; the illustration or diagram is not to be construed or interpreted as a definition itself.

Abandoned well. A well whose use has been permanently discontinued or which is in a state of disrepair such that it cannot be used for its intended purpose or for observation purposes.

Aboveground storage tank. Any one (1) or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of potential groundwater contaminants and the volume of which (including the volume of underground pipes connected thereto) is less than ten (10) percent beneath the surface of the ground. Flow-through process tanks are excluded from the definition of aboveground storage tanks.

Approved underground storage tank. A stationary device designed to contain an accumulation of potential groundwater contaminants and constructed of nonearthen materials, for example, steel or fiberglass, which has been approved for use by the Steel Tank Institute or the Fiberglass Petroleum Tank and Pipe Institute.

Building. Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having a permanent roof supported by columns or walls.

Chlorinated solvent. Any liquid solution containing at least ten (10) percent of a chemical or chemicals classified as a chlorinated organic compound. If the concentration of the chlorinated organic compound in the liquid is not known, the entire volume of the liquid solution shall be considered to be a chlorinated solvent.

Commission. The Metropolitan Development Commission of Marion County, Indiana.

Commitment. An official agreement concerning and running with the land as recorded in the office of the Marion County Recorder.

Condition. An official agreement between the municipality and the petitioner concerning the use or development of the land as imposed by the technically qualified person.

Connected piping. All underground piping including valves, elbows, joints, flanges, and flexible connectors attached to a tank system.

Containment area. An aboveground area with floors and sidewalls that have been constructed of a material which will prevent migration of fluids into the groundwater.

Development plan. As enabled by 1400 Series--Development Plans IC 36-7-4-1400 through IC 36-7-4-1499.

Dewatering. Any removal of groundwater specifically designed to lower groundwater levels.

Disposal. Discharge, deposit, injection, dumping, spilling, leaking, or placing of any potential groundwater contaminants into or on any land or water.

Excavation. The breaking of ground, except common household gardening, ground care and agricultural activity.

Fuel dispensing facility. Any facility where gasoline or diesel fuel is dispensed into motor vehicle fuel tanks from an underground storage tank.

Groundwater. Any water occurring within the zone of saturation in a geologic formation beneath the surface of the earth.

Hardsurfaced. (Pertains to this article only.) Quality of an outer area being solidly constructed of asphalt, concrete, or other health and hospital corporation approved material.

Interstitial monitoring. A system designed, constructed and installed to detect a leak from any portion of a storage tank or connected piping that routinely contains potential groundwater contaminants by monitoring the space between the primary (inner) tank or connected piping and the secondary (outer) tank or connected piping.

Legally established nonconforming use. Any continuous, lawful land use having commenced prior to the time of adoption, revision or amendment, or granted a variance of the zoning ordinance, but which fails, by reason of such adoption, revision, amendment or variance to conform to the present requirements of the zoning district.

Liquid. A liquid is a substance or mixture which is fluid at twenty (20) degrees Centigrade (sixty-eight (68) degrees Fahrenheit).

Liquid transfer area. An off-street area maintained and intended for temporary parking of a commercial vehicle while transferring potential groundwater contaminant to and from a facility.

OES. The office of environmental services of the department of public works.

Permitted use. Any use by right authorized in a particular zoning district or districts and subject to the restrictions applicable to that zoning district.

Potential groundwater contaminant. Any material which, because of its toxicity and mobility in groundwater, poses a significant hazard to the quality of groundwater resources used for public water supply.

Premises. A platted lot or part thereof or unplatted lot or parcel of land, either occupied or unoccupied by any structure, and includes any such building, accessory structure, adjoining alley, easement, or drainage way.

Release. Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (surface water, groundwater, drinking water supply, land surface, subsurface strata).

Shop area. A production or repair area equipped with tools and machinery.

Site plan. The plan, or series of plans, drawn to scale, for one (1) or more lots on which is shown the existing and proposed locations and conditions of the lot including as required by Chapter 730, Article III, Improvement Location Permits, but not limited to: topography, vegetation, drainage, floodplains, marshes, and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, buildings, structures, signs, lighting and screening devices, center lines of rights-of-way, and dimensions.

Storage. The long-term deposit (more than twenty-four (24) hours) of any goods, material, merchandise, vehicles, or junk.

Structure. A combining or manipulation of materials to form a construction, erection, alteration or affixation for use, occupancy, or ornamentation, whether located or installed on, above, or below the surface of land or water.

Surface impoundment. A natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials) that is not an injection well.

Tank. A tank is a stationary device designed to contain an accumulation of liquids and which is constructed of nonearthen materials, for example, concrete, steel, or plastic, that provides structural support.

Technically qualified person. A technically qualified person is either ~~(a) any person provided by the ERMD pursuant to a contract or memorandum of understanding between the Department of Metropolitan Development ("DMD") and ERMD~~ an employee of the OES, or ~~(b) any person with whom the ERMD OES has a services contract and who is provided to DMD by ERMD pursuant to a contract or memorandum of understanding between DMD and ERMD.~~ Such technically qualified person is a person who is competent to evaluate site and development plans for contamination risk to groundwater quality. Examples of technically qualified persons include professional engineers, certified professional geologists and environmental and other scientists with specialized training and experience in hydrogeology, contaminant transport, and hazardous materials management.

Underground storage tank. Any one (1) or combination of tanks (including underground pipes connected thereto) that is regulated under 40 CFR Part 280. Notwithstanding the exceptions in 40 CFR Part 280, for the purpose of this article an underground storage tank also includes:

- (1) A tank which would otherwise be regulated by 40 CFR Part 280 but for the fact that it contains hazardous waste as regulated under subtitle C of the Federal Solid Waste Disposal Act.
- (2) A tank which would otherwise be regulated by 40 CFR Part 280 but for the fact that it is used to store heating oil for consumptive use on the premises where stored.

Vehicle or equipment repair area. An area designated, designed and intended for the purpose of repairing automotive vehicles or equipment.

Well. A bored, drilled or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension.

SECTION 27. Section 735-918 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 735-918. Definitions.

The words in the text of this article shall be interpreted in accordance with the following definitions.

Accessory. A subordinate structure, building or use that is customarily associated with, and is appropriately and clearly incidental and subordinate in use to the primary structure and use, and is located on the same lot as the primary structure or use.

Administrator. Administrator of the Division of ~~Neighborhood Services~~ Planning of the Department of Metropolitan Development, or his/her appointed representative.

Antenna. A device used to collect or broadcast electromagnetic waves, including both directional antennas, such as panels and microwave dishes, and omnidirectional antennas, such as satellite dishes.

Building. Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having a permanent roof supported by columns or walls.

Building height. The vertical distance above a reference line measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the height of the highest gable of a pitched or hipped roof. The reference line shall be selected by either of the following, whichever yields a greater building height:

- (1) The elevation of the highest adjoining sidewalk or ground surface within a ten-foot horizontal distance from and paralleling the exterior wall of the building or structure when the sidewalk or ground surface is not more than ten (10) feet above lowest grade;
- (2) An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface is more than ten (10) feet above the lowest grade.

Camouflage. A structural design or treatment, including colors, intended to conceal and make a WCF visibly compatible with the surrounding area.

Equipment structure. Any structure needed to house apparatus needed for the operation and maintenance of a wireless communication antenna, and located on the same site as the wireless communication antenna.

Greenway. A linear open space that connects parklands, improves recreational opportunities, and aids in the protection of wildlife and scenic regions. Greenways regulated by this article are the responsibility of the Indianapolis Department of Parks and Recreation, as outlined in Chapter 241 of this Code, and shall include the corridors described in the Indianapolis Greenways Plan.

High-power electric transmission line. A line segment in an electric utility system having an operating voltage of sixty-nine thousand (69,000) volts or greater.

Protected district. Specific classes of zoning districts which, because of their low intensity or the sensitive land uses permitted by them, require additional buffering and separation when abutted by certain more intense classifications of land use. For purposes of this article, a protected district shall include any Dwelling District, Hospital District, Parks District, University Quarter District, SU-1 (Church) District, or SU-2 (School District).

Right-of-way. Specific and particularly described strip of land, property, or interest therein devoted to and subject to the lawful use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially recorded by the office of the Marion County Recorder.

Sign. Any structure, fixture, placard, announcement, declaration, device, demonstration or insignia used for direction, information, identification or to advertise or promote any business, product, goods, activity, services or any interests.

Sign structure. Any structure, including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.

Structure. A combination or manipulation of materials to form a construction, erection, alteration or affixation for use, occupancy, or ornamentation, whether located or installed on, above, or below the surface of land or water.

Tower. A structure designed and intended to support one (1) or more antennas. This term includes lattice-type structures, either guyed or self-supporting, and monopoles, which are self-supporting pole-type structures, tapering from base to top and supporting a fixture designed to hold one (1) or more antennas.

Utility pole. Any pole or structure utilized for electric, telephone, telegraph, cable television, radio, microwave, television services, street lights, other lighting standards, or comparable purposes.

Wireless communications facility (WCF). Any facility used by a licensed commercial wireless telecommunications provider to provide service, including but not limited to cellular, personal communication services, specialized mobilized radio, enhanced specialized mobilized radio, paging, and other similar services that are marketed to the general public.

WCF design package. Information used to portray all visual aspects of wireless communications facilities, and the apparatus needed to attach it to a structure, including, but not limited to, dimensions, colors, and materials.

SECTION 28. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 29. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 30. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Proposal No. 32, 2002 was retitled GENERAL ORDINANCE NO. 3, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 3, 2002

PROPOSAL FOR A GENERAL ORDINANCE to amend the "Revised Code of the Consolidated City and County" to reorganize the division of permits of the department of metropolitan development under the new name "division of compliance," to assign certain powers and duties to such division including duties previously assigned to other divisions and departments, and to make corresponding technical corrections to numerous sections of the Code.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Sections 231-301 through 231-306 of the "Revised Code of the Consolidated City and County," inclusive, regarding divisions of the department of metropolitan development, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 231-301. Divisions established.

The department of metropolitan development shall be composed of the following divisions:

- (1) Division of neighborhood services.
- (2) Division of planning.
- (3) Division of administrative services.
- (4) Division of community development and financial services.
- (5) Division of ~~permits~~ compliance.

Sec. 231-302. Division of neighborhood services.

(a) The division of neighborhood services is responsible for establishing a resident and community-based framework through which citizens can work cooperatively to direct and sustain the physical, social, and economic development of their neighborhood.

(b) Powers and duties of the division include:

~~(1) Powers and duties conferred on the implementing agency under IC 36-7-4 (including actions which are the responsibility of the planning department, the division of planning and zoning and the staff), except for technical activities supporting preparation of the comprehensive plan described in the 500 series);~~

~~(2) Initiate a review of the issuance of a certificate of appropriateness in accordance with IC 36-7-11.1-9(f);~~

~~(3) Powers and duties conferred on the department of metropolitan development under section 341-102 of this Code;~~

~~(4) Receive or process applications or documents for other departments, divisions or agencies of local government relative to the development or use of real estate when an agreement for such service is made; and~~

~~(1) Maintaining a centralized easy access for citizens to request service and information from the government of the consolidated city; and~~

~~(5)(2)~~ Any other powers and duties granted by statute or ordinance or delegated by the mayor.

Sec. 231-303. Division of planning.

(a) The division of planning is responsible for planning activities throughout the county that will secure orderly growth, encourage effective use of municipal facilities and resources and provide a desirable quality of life for its citizens.

(b) Powers and duties of the division include:

(1) Accomplishing land use and housing planning, economic and fiscal planning (including the preparation of a capital expenditure program), transportation planning, environment and energy planning, and urban design and planning for projects, neighborhoods, open space and leisure systems;

(2) Accomplishing technical work in support of preparation of a comprehensive plan described in the 500 series of IC 36-7-4;

(3) Accomplishing technical work in support of preparation of a thoroughfare plan as described in IC 36-9-6.1-3, 4, 7 and 8; and

~~(4) Powers and duties conferred on the implementing agency under IC 36-7-4 (including actions which are the responsibility of the division of planning and the staff) except for the issuance of improvement location permits;~~

~~(5) Initiating a review of the issuance of a certificate of appropriateness in accordance with IC 36-7-11.1-9(f);~~

~~(6) Powers and duties conferred on the department of metropolitan development under section 341-102 of this Code;~~

~~(7) Receiving and processing applications or documents for other departments, divisions or agencies of local government relative to the development or use of real estate when an agreement for such service is made; and~~

~~(4)(8)~~ Any other powers and duties granted by statute or ordinance or delegated by the mayor.

Sec. 231-304. Division of administrative services.

- (a) The division of administrative services is responsible for:
 - (1) ~~p~~Providing real estate services for the department, including acquiring or disposing of any interest in real or personal property, leasing or renting any buildings, structures or facilities included with a housing, economic development, other development or redevelopment project or public safety initiative; and
 - (2) ~~f~~Facilitating the economic growth and revitalization of the city through various local economic development programs including, but not limited to real property tax abatement, residential distress tax abatement, industrial revenue bonds, tax increment financing, and for providing administrative support for the department.
- (b) Powers and duties conferred on the department of metropolitan development by IC 36-7-15.1.
- (c) This division shall have other powers and duties granted by statute or ordinance or delegated by the mayor or department director.

Sec. 231-305. Division of community development and financial services.

- (a) The division of community development and financial services is responsible for providing affordable housing, development and rehabilitation opportunities, encouraging economic opportunities, building neighborhood capacity, providing homeless assistance and human services, administering an unsafe building program, administering various federal programs and for providing financial services for the department.
- (b) Powers and duties of the division include:
 - (1) On behalf of the director, designating and authorizing the receipt and distribution of all funds received by the department pursuant to acts of the United States Congress including but not limited to the Housing and Community Development Act of 1974, as amended, the National Affordable Housing Act of 1990, as amended, and the Stewart B. McKinney Homeless Assistance Act of 1987, as amended. The granting of this power shall not limit the power of the mayor to execute agreements with the United States Government to receive those funds.
 - (2) Facilitating the creation of affordable housing opportunities for low income households, including the homeless and persons with special needs, through the provision of programs including, but not limited to, Community Development Block Grant Program, ~~Home~~ HOME Investment Partnerships Program, ~~Home Ownership Opportunity for People Everywhere Program (Hope 3)~~, Housing Opportunities for People with Aids AIDS, Emergency Shelter Grants, Section 108 Loan Guarantee Program, ~~Section 312 Program, Rental Rehabilitation Program, Resolution Trust Corporation, Affordable Supportive Housing Program, Urban Housing Reinvestment Program Mark to Market Program.~~
 - (3) Facilitating the economic growth and revitalization of the city, through various local economic development programs including, but not limited Community Development Block Grant Program, Section 108 Loan Guarantee Program, Commercial Facade Program, ~~Urban Development Action Grant Program, Urban Development Action Grant Program,~~ support for the Indianapolis Enterprise zone, and Enterprise Community.
 - (4) Powers and duties granted to the division under section 231-401 through section 231-405 of the Code and continuing the administration and compliance monitoring of the previously established Urban Homesteading Programs for the Consolidated City of Indianapolis as provided by HUD guidelines and section 231-401 through 231-405 of the Code.
 - (5) The provision of public services and facilities including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, fair housing, energy conservation, welfare, recreational or special needs.
 - (6) ~~Acquiring or disposing of any interest in real or personal property, leasing or renting any buildings, structures or facilities included with a housing, economic development, other development or redevelopment project or public safety initiative.~~
- (7)(6) Powers and duties conferred on the enforcement authority by IC 36-7-9.

- (8)(7) Conducting or contracting with an enforcement entity to conduct a program to issue orders to repair, board or demolish hazardous, unsafe or problem structures which contribute to urban blight including but not limited to the powers and duties in Chapter 537 of the Code.
- (9)(8) Powers and duties conferred on the department of metropolitan development by IC 36-7-15.1.
- (10)(9) The division shall have other powers and duties granted by statute or ordinance or delegated by the mayor or department director.

Sec. 231-306. Division of permits compliance.

- (a) The division of permits compliance is responsible for enforcing land use requirements and promoting responsible development through inspections and issuance of permits.
- (b) Powers and duties of the division include:
 - (1) Powers and duties which the division of ~~code enforcement~~ compliance is authorized or required to carry out under this Code, including but not limited to powers and duties found in ~~Chapter 537 and Title IV of the Code Chapters 391, 536, 537, 561, 645, 671 and Title IV of the Code;~~
 - (2) ~~Powers and duties which the division of buildings is authorized or required to carry out under this Code, including but not limited to powers and duties found in Chapters 391, 536, 561, 671 of the Code;~~
 - (3)(2) License Licensing persons and business organizations engaged in construction activity, issue building permits, make building inspections and take other appropriate actions for the purpose of securing safe construction and assuring proper maintenance of existing structures;
 - (4)(3) Enforce Enforcing building regulations established by the Fire Prevention and Building Safety Commission of the State of Indiana;
 - (5)(4) Enforce Enforcing provisions of state law or city ordinance relating to the development, condition, maintenance or use of real estate, as required by ordinance or assigned by the mayor; ~~and~~
 - (5) Issuing improvement location permits on behalf of the metropolitan development commission in accordance with Chapter 730, Article III, of the Code; and
 - (6) Any other powers and duties granted by statute or ordinance or delegated by the mayor.

SECTION 2. Section 361-103 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 361-103. Enforcement.

This chapter and the rules and regulations authorized in section 361-104 shall be enforced by the department of public works and/or the authorized designee of the director of the department of public works, ~~by the division of code enforcement compliance of the department of metropolitan development, the Indianapolis police department, and the Marion County sheriff's department, acting on their own motion or at the request of the board of public works.~~

SECTION 3. Section 361-107 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 361-107. Recovery by city of expenses of litter removal.

- (a) The city is damaged by the depositing of litter within the city, and the cost of litter removal has become a significant expense of the city. It is intended that persons responsible for such expenses shall bear the costs of same. In order to recover the cost of litter removal, the city may bring a civil action against any person believed to be responsible for depositing litter. The city may, in order to avoid the necessity of the institution of such action, make an offer of settlement to any person believed to be responsible for depositing litter. If the settlement offer is accepted, no action will be instituted by the city.
- (b) ~~The department of public works, the division of code enforcement compliance of the department of metropolitan development, the Indianapolis police department and the Marion County sheriff's department~~

and their authorized agents shall be responsible for determining the identity of persons responsible for damaging the city by depositing litter within the city, and, except as provided in subsection (d) of this section, are hereby empowered, as agents of the city, to make to any person believed to be responsible for damaging the city by depositing litter within the city, an offer of settlement as provided in subsection (a) of this section.

(c) The board of public works shall determine a standard amount of the settlement offer authorized to be made by this section. In determining the standard amount of the settlement offer, the board of public works shall consider only such factors as may reasonably be considered when any individual offer of settlement is determined.

(d) The provisions of subsection (b) of this section shall not be construed to require that a settlement offer be made if the amount of damage caused by the litter being deposited in the city is significantly greater than the standard amount of the settlement offer determined by the board of public works pursuant to subsection (c) of this section.

SECTION 4. Section 391-203 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 391-203. Abatement by the division of permits compliance; fire and police departments; health and hospital corporation.

(a) The division of permits compliance of the department of metropolitan development, acting in cooperation with the chiefs of the fire and police departments and the officers of the health and hospital corporation, is charged with the duty of inspecting any building constituting a nuisance under this chapter and the division, or any of such officials, shall aid in abating any such nuisance and in enforcing the law in all matters within their respective jurisdiction and duties.

(b) Whenever the division of permits compliance has information from any source, including any of the officials named in subsection (a), that any building is alleged to be a nuisance within the provisions of this chapter, it shall cause an examination thereof to be made. If, in its opinion after such examination, the building constitutes a nuisance within the provisions of this chapter, it shall serve written notice upon the owner of the building or the person in possession, charge or control thereof, directing him to abate the nuisance, if it is abatable, and specifying the defects or things to be corrected to place the building in a safe condition, and to eliminate any condition producing such nuisance. If conditions are such that the defects or things cannot be corrected, eliminated or abated, the owner shall be ordered and required to demolish the building as provided by any applicable statute or by this Code. The notice shall provide and name a reasonable time within which the nuisance shall be abated or the building demolished.

(c) Upon the failure of the person notified to obey the notice given pursuant to subsection (b), the division of permits compliance, after the expiration of the time specified in the notice, shall cause a summons to be issued to the person requiring him to appear and show cause before the mayor, at a time and place named in the notice, why the nuisance should not be ordered to be summarily abated or, in event the alleged nuisance cannot be abated, why the building should not be demolished. If, upon a hearing of the case, to be conducted under the procedure for the revocation of licenses, the mayor determines that the building cannot be repaired or put in a safe condition, he shall render a decision and order that the building be demolished by the defendant within a time specified and, upon failure of the defendant to demolish it, the demolition shall be done by the city, or by a contractor in its behalf, at the expense of the defendant as provided by the statute thereon. In the event the mayor, upon such hearing, shall find that the building constitutes a nuisance, but that the nuisance can be abated by doing certain things to the building, such as repairs, changes, alterations or renovation, the mayor shall provide in his order how and in what manner the nuisance may be abated, and shall designate the time within which such acts must be begun and completed. In such case, the order shall further provide that if the defendant fails to begin compliance with such order within the time specified, notices shall be placed at all the entrances of the building, stating in substance that the premises therein have been condemned and declared to be a nuisance and unsafe and shall not be further used by any person. All the entrances to the premises upon the sidewalk, street or alley shall be blocked off by barriers or guardrails and may be securely locked. In the event of an appeal to a court being taken from the mayor's order, pending such appeal or other legal action, the division of permits shall cause to be erected on the street or sidewalk adjacent to the entrances of the building signs stating that the building has been declared to be dangerous and unsafe and a public nuisance. Such signs shall not be removed or defaced by any person and shall remain until such appeal or other legal action is finally decided.

SECTION 5. Section 391-302 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 391-302. Unlawful noises.

(a) Except as otherwise provided in this section, it shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise, or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health and peace or safety of others within the city. Accordingly, the following acts, among others, are declared to be loud, disturbing and unnecessary noises and in violation of this section, but such enumeration shall not be deemed to be exclusive:

- (1) *Horns and signaling devices.* The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle in any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand, air or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the continued or repeated use of any such signaling device when traffic is for any reason held up, or in any parade, or in any group of vehicles.
- (2) *Radios and phonographs.* Playing, using or operating, or permitting to be played, used or operated, any radio or television receiving set, musical instrument, phonograph, calliope or other machine or device for producing or reproducing sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated, and who are voluntary listeners thereto, except when a permit therefor for some special occasion is granted. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this subsection.
- (3) *Loudspeakers, amplifiers for advertising.* Playing, using or operating, or permitting to be played, used or operated, any radio or television receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for producing or reproducing sound at any place upon the public streets or in any vehicle used for the transportation of persons for hire as a common carrier, for the purpose of commercial or other kind of advertising or attracting the attention of the public to any activity or building or structure, which is so used as to disturb and annoy other persons in their businesses, homes or elsewhere in their right of personal privacy and quiet.
- (4) *Yelling, or shouting.* Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any person in the vicinity.
- (5) *Animals or birds.* The keeping of any animal or bird which, by causing frequent or long-continued noise, shall disturb the comfort or repose of any person in the vicinity.
- (6) *Steam whistles.* The blowing of any locomotive steam whistle, or steam whistle attached to any stationary boiler, or one operated by any other means, except to give notice of the time to begin or stop work, or as a warning of fire or danger, or upon request of the proper city authorities.
- (7) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, internal-combustion engine, or any other type of engine or power unit on a motorboat, motor vehicle, motorcycle or other vehicle or craft of any kind, except through a muffler or other device which will effectively reduce and prevent loud or explosive noises therefrom.
- (8) *Defect in vehicle or load.* The use of any automobile, motorcycle or other kind of vehicles so out of repair, or so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling or other noises.
- (9) *Loading, unloading, opening boxes.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle, or the opening and destruction of bales, boxes, crates and containers.
- (10) *Construction or repairing of buildings.* The erection, demolition, alteration or repair of any building, or the excavation therefor, other than between the hours of 7:00 a.m. and 6:00 p.m. on Monday through Saturday, except in the case of urgent necessity in the interest of public health and safety, and then only with a permit from the division of ~~permits~~ compliance of the department of metropolitan development, which permit may be granted for a period not to exceed three (3) days

while the emergency continues and which permit may be renewed for periods of three (3) days while the emergency continues. If the division of permits should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building, or the excavation therefor, or of any streets and highways, between the hours of 6:00 p.m. and 7:00 a.m., or on Sunday, and that loss or inconvenience would result to any party in interest, it may grant permission for such work to be done between the hours of 6:00 p.m. and 7:00 a.m., or on Sunday, upon application being made at the time the permit for the work is issued or during the progress of the work.

- (11) *Schools, courts, churches, hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while it is in use, or adjacent to any hospital which unreasonably interferes with the operation thereof or which disturbs or unduly annoys patients in the hospital; provided that conspicuous signs are displayed in such streets indicating that the same has been declared and is a school, hospital or other such quiet zone.
- (12) *Hawkers and peddlers.* The loud shouting and crying of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood.
- (13) *Drums.* The use of any drum, horn or other instrument or device for the purpose of attracting attention by creation of noise to any performance, exhibition, show or sale; except in a parade or place for which a permit has been granted.
- (14) *Transporting metal rails, pillars and columns.* The transportation of rails, pillars or columns of iron, steel or other material over and along the streets and other public places of the city, upon carts, drays, cars, trucks or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.
- (15) *Railway cars, buses.* Causing, permitting or continuing any excessive, unnecessary and avoidable noise in the operation of a bus or railway car by reason of defective conditions therein or of its tracks.
- (16) *Pile drivers, hammers.* The operation between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance the use of which is attended by loud or unusual noise, except when being operated by a public utility in connection with emergency repairs of such utility.
- (17) *Blowers.* The operation of any noise-creating blower or power fan, or any internal-combustion engine, the operation of which causes noises due to the explosion of operating gases or fluids, unless the noise from the blower or fan is muffled and the engine is equipped with a muffler device sufficient to deaden such noise.
- (18) *Vendor's vehicle.* Using, operating or playing, or permitting to be used, operated or played, any bell, radio, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for producing or reproducing sound in or upon any vehicle used for the transportation and sale of any goods, wares or merchandise in or upon any of the streets or highways within the city, which sound-producing instruments are set to produce any noise, music or sound in excess of one hundred fifteen (115) decibels, measured at six (6) inches from the sound-producing amplifier of the speaker; the use and operation of any vehicle so equipped, with such sound-producing equipment in operation, between the hours of 10:00 p.m. and 10:00 a.m. of the succeeding day; or the use or operation of any such sound-producing equipment in or upon any such vehicle while the vehicle is moving along or upon any street or highway; it being the intent and purpose of this subsection to permit the use of such sound-producing equipment in or upon any such vehicle only when the vehicle is parked or standing still in or upon any street or highway and during the hours provided in this subsection.
- (19) *Portable radios in public conveyances.* The audible using, operating or playing, or permitting to be used, operated or played, any radio, musical instrument or electronic recording device of any kind or character whatever in any public conveyance, except taxicabs and jitneys, operating in the city; provided, however, it shall not be unlawful to listen to any such device by means of earplugs inserted in the hearer's ear and inaudible to any other person.

(b) The first violation in any calendar year shall be subject to admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with Chapter 103 of this Code. All second and subsequent violations in the calendar year are subject to the enforcement procedures and penalties provided in section 103-3 of this Code.

SECTION 6. Section 431-501 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 431-501. Neglected premises abutting public ways.

(a) It shall be the duty of any person owning or controlling a house or other building or premises, including vacant lots, abutting on any public way to maintain such premises in a reasonably clean and orderly manner and to a standard conforming to other orderly premises in that vicinity. It shall be a violation of this section to abandon, neglect or disregard the condition or appearance of any premises so as to permit it to become unclean, with an accumulation of litter or waste thereon, including wastepaper, rags, cans, bottles, boxes, lumber, metal, garbage or disused or inoperable motor vehicles, trailers or any other machinery, appliances or furniture thereon, unless specifically authorized under existing laws and regulations, or to allow a rank growth of grass, weeds or other vegetation to remain thereon, or to permit the premises to become unsightly, unsanitary, obnoxious, a fire hazard, a blight to the vicinity or offensive to the senses of the users of any public way abutting such premises, and so to continue for a period longer than thirty (30) days in any calendar year; or to fail to comply with these regulations after a written order of any city police or public health authority to remedy such conditions.

(b) The director of ~~asset management and the department of~~ public works, where premises are abandoned or neglected for more than thirty (30) days, is hereby empowered to enter upon the premises and, if the person controlling such premises does not forthwith comply with such written order, the director may thereupon correct the unclean conditions and place a lien on such land in the same amount and in accordance with the procedure provided for weed cutting in the city; but such person shall also be liable to an action to recover the aforesaid penalty.

(c) Any person violating any provision of this section, upon conviction, shall be fined in any sum not exceeding ten dollars (\$10.00), and each day's violation thereof shall constitute a separate offense.

SECTION 7. Section 441-402 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 441-402. Special authority to establish intersection traffic controls.

(a) The director of ~~asset management and~~ public works shall at all times have the right to enter, issue and enforce a temporary order to establish intersection traffic controls upon a finding of an emergency or a special condition.

(b) Upon the issuance of said order, the director of ~~asset management and the department of~~ public works shall cause said intersection traffic controls to be installed, erected and maintained until such time as the emergency or special condition no longer exists or until acted upon by council.

(c) Upon the issuance of said order, the director of ~~asset management and the department of~~ public works shall cause notice to be published in accordance with state statute.

SECTION 8. Section 561-105 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 561-105. "Division of permits compliance" defined.

As used herein, "division of permits compliance" shall mean the division of permits compliance of the department of metropolitan development of the City of Indianapolis.

SECTION 9. Section 561-221 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 561-221. When drainage permits required; enforcement; exceptions.

(a) Except for activity specified in subsection (b), it shall be unlawful for a person, partnership or corporation to undertake or accomplish any land alteration without having in force a written drainage permit obtained from the ~~department of public works~~ division of compliance. A violation of this section is subject to the enforcement procedures and penalties provided in section 103-3 of this Code; provided, however, the fine imposed for such violation shall not be less than one hundred dollars (\$100.00), and each day that an offense

continues shall constitute a separate violation. The city controller shall cause any fines collected under this section to be deposited into an account for the use and benefit of the department of public works.

(b) The permit specified in subsection (a) shall not be required for:

- (1) Excavation of cemetery graves;
- (2) Refuse disposal sites where storm drainage is controlled by other regulations;
- (3) Excavation for wells, excavation and backfills for poles, conduits, and wires of utility companies;
- (4) Exploratory excavations or soil testing under the direction and control of professional engineers, soil engineers, geologists, civil engineers, architects or land surveyors, which are backfilled;
- (5) Ordinary cultivation of agricultural land including tilling, terracing, construction of minor open ditches and crop irrigation;
- (6) The planting and tilling of gardens, flower beds, shrubs, trees and other common uses and minor landscaping of land appurtenant to residences;
- (7) Fill and grading of a former basement site after the demolition of a structure, to conform to adjacent terrain;
- (8) Fill of small holes caused by erosion, settling of earth or the removal of such materials as dead trees, posts or concrete;
- (9) A fill less than one (1) foot in depth, and placed on natural terrain with a slope flatter than ten (10) percent, not intended to support structures, which does not exceed fifty (50) cubic yards per acre and does not obstruct drainage;
- (10) Maintenance of drainage facilities;
- (11) Installation of septic systems, when a proper permit has been obtained;
- (12) Construction of a driveway, when a proper permit has been obtained;
- (13) Installation of building sewers, when a proper permit has been obtained;
- (14) An enlargement or exterior change that does not exceed twenty-five (25) square feet in floor area to an existing structure, when no part of the structure, or the enlargement or exterior change to the structure, is located in an impacted drainage area;
- (15) Placement of an accessory structure, not exceeding one hundred twenty (120) square feet in floor area, to a one- or two-family dwelling, when the accessory structure is not located on a permanent foundation;
- (16) Exterior changes to a structure which do not change the ground floor area of the structure, unless the roof of the building is part of a retention-detention system; or
- (17) Construction of a deck which extends over open ground at least eight (8) feet above grade or which is constructed so that water freely and directly flows through the deck to the ground below the deck.

(c) The drainage permit must be obtained before any work is initiated with the exception of testing to determine procedures or materials.

SECTION 10. Sections 561-223 through 561-229 of the "Revised Code of the Consolidated City and County," inclusive, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 561-223. Application; issuance.

(a) Application for a drainage permit shall be made to the ~~department of public works~~ division of compliance. The application shall be in writing on a form prescribed by the ~~department~~ division.

- (b) A drainage permit shall be issued if:
- (1) The person, partnership or corporation is eligible to apply for and obtain a drainage permit under section 561-222;
 - (2) The application required by this section and supporting information required by either section 561-224 or section 561-225 have been properly prepared and submitted;
 - (3) The drainage plan, together with supplemental information required by either section 561-224 or section 561-225 reflect compliance with drainage requirements;
 - (4) A certificate of sufficiency of plan and a certificate of obligation to observe have been filed by a registered professional engineer, land surveyor or architect, engaged in storm drainage design;
 - (5) If required by the ~~director~~ administrator of the division of compliance, a bond has been posted pursuant to section ~~561-241~~ 561-231;
 - (6) If required by the ~~director~~ administrator of the division of compliance, a covenant has been executed pursuant to section ~~561-242~~ 561-232;
 - (7) If required by the ~~director~~ administrator of the division of compliance, an easement has been dedicated pursuant to section ~~561-243~~ 561-233;
 - (8) The applicable fee, computed in accordance with Division 8 of Article II of this chapter, has been paid.

Sec. 561-224. Professionally prepared and certified drainage plans.

(a) A drainage plan fulfilling the requirements of this section shall be submitted to the ~~department of public works~~ division of compliance for approval before a drainage permit can be obtained to accomplish a land alteration, unless the land alteration is such that a drainage permit can be obtained in accordance with section 561-225. The drainage plan must be submitted in duplicate and shall indicate in a precise way the work to be accomplished pursuant to the drainage permit. One (1) copy of the drainage plan will remain on file in the ~~department~~ division. The following information must be submitted for approval:

- (1) *Construction features.* The drainage plan shall demonstrate and describe surface and subsurface drainage and include the following:
 - a. *Scale; arrow; contours and USGS bench marks:* The drainage plan shall be drawn to scale, preferably one (1) inch per fifty (50) feet, and an arrow indicating north shall appear on each page. Existing land contours shall be shown, with one-foot contours for land with a slope flatter than ten (10) percent, two-foot contours for slopes equal to or greater than ten (10) percent but flatter than twenty (20) percent, and five-foot contours for slopes equal to or greater than twenty (20) percent. A bench mark, which is easily accessible and relocatable, shall be shown. The bench mark may be assumed at the discretion of the director if the area contains less than three (3) acres, but otherwise shall be determined by USGS datum.
 - b. *Location and vicinity map:* A map which indicates the location and vicinity of the proposed land alteration shall be included in the drainage plan.
 - c. *Existing and proposed drainage facilities:* The drainage plan shall show the locations of all existing and proposed drainage facilities. Storm drains and manholes and other structures shall be located in the plans by dimensions from traverse lines, property markers or road centerlines. However, the areas where physical features are not available, coordinates of manholes and bearings of storm drains shall be based either on the state's coordinate system or other acceptable horizontal and vertical datum. If applicable, the drainage plan should show the direction of flow, elevation of inverts, gradient, size and capacity of existing and proposed storm drains. When using existing storm drains, the capacity shall be indicated.
 - d. *Plan and profile:* The plan shall be shown at the upper portion of the drawing. The plan, generally, shall be drawn on a scale of one (1) inch equals fifty (50) feet. The plan shall show appropriate right-of-way and easement limits. The profile shall be shown under the plan and shall extend a sufficient distance downstream of the outlet to allow any pertinent information concerning the outfall channel to be shown. The storm drain and inlet profile shall generally be drawn on a scale of one (1) inch equals fifty (50) feet horizontal, one (1) inch equals five (5) feet vertical. Where a storm drain is located in an existing or proposed pavement or

shoulder, the centerline grade of the road shall be shown. Where a storm drain is located outside pavement or shoulder, the existing ground over the storm drain with proposed grading shall be shown. If the storm drain is to be constructed on fill, the profile of the undisturbed earth, at drain location, shall be shown.

(2) *Design calculations.* Design calculations are required as part of the drainage plan and shall specifically include:

- a. Estimation of stormwater runoff:
 1. Drainage area map (scale one (1) inch equals two hundred (200) feet) indicating contours at two-foot intervals and limits of one-hundred-year floodplain, where applicable;
 2. Weighted runoff coefficient computations;
 3. Time of concentration computation indicating overland flow time and flow time in the swale, gutter, pipe or channel.
- b. Close conduit and open channel design computations:
 1. Size of pipe or channel cross section;
 2. Pipe or channel inverts slope in percent;
 3. Roughness coefficient;
 4. Flowing velocities in feet per second;
 5. Design capacity in cubic feet per second.
- c. Head loss computations in manholes and junction chambers;
- d. Hydraulic gradient computations, wherever applicable;
- e. Erosion control methods.

Such design calculations shall conform with the standards of Article III, Division 5 of this chapter and all regulations promulgated thereunder.

(3) *Additional information.* The ~~director~~ administrator of the division of compliance shall be empowered to require such additional information to be included in a drainage plan that is necessary to evaluate and determine the adequacy of the proposed drainage facility.

(4) *Certification required.* All drainage plans submitted under this section must be certified by a registered professional engineer, land surveyor or architect engaged in storm drainage design under whose supervision the plans were prepared. The certificate shall be in the following form:

CERTIFICATE OF SUFFICIENCY OF PLAN

Permit Number _____

Address where land alteration is occurring _____

Plan Date _____

I hereby certify that to the best of my knowledge and belief:

- (1) The drainage plan for this project is in compliance with drainage requirements (as set forth in Chapter 561 of the Revised Code of the Consolidated City and County) pertaining to this class of work.
- (2) The calculations, designs, reproducible drawings, masters and original ideas reproduced in this drainage plan are under my dominion and control and they were prepared by me and my employees.

Signature _____ Date _____

Typed or Printed Name _____ Phone _____

(SEAL)

Business Address _____

Surv. _____ Eng. _____ Arch. _____ Indiana Registration No. _____

- (5) *Obligation to observe.* All drainage plans submitted under this section must include a certificate of obligation to observe by a registered professional engineer, land surveyor or architect engaged in storm drainage design. The certificate shall be in the following form:

CERTIFICATE OF OBLIGATION TO OBSERVE

Permit Number _____

Address where land alteration is occurring _____

Plan Date _____

I will perform periodic observations of this project during construction to determine that such land alteration is in accordance with both the applicable drainage requirements and the drainage plan for this project submitted for a drainage permit to the ~~department of public works~~ division of compliance of the department of metropolitan development.

Signature _____ Date _____

Typed or Printed Name _____ Phone _____

(SEAL)

Business Address _____

Surv. _____ Eng. _____ Arch. _____ Indiana Registration No. _____

(b) The approval of a drainage plan by the ~~department of public works~~ division of compliance under this section shall be valid for a period of one (1) year from the date such approval was granted, or until the drainage permit for which the plan was submitted is issued, whichever occurs first. However, prior to the issuance of the permit, if there are any material changes to an approved drainage plan or circumstances which cause the drainage plan to be inaccurate or incomplete, then a new or corrected drainage plan shall be submitted to the ~~department~~ division as a precondition for obtaining a drainage permit.

Sec. 561-225. When professionally prepared and certified drainage plan not required.

(a) A drainage plan that does not contain as much information as drainage plans prepared to fulfill the requirements of section 561-224 and that is not prepared or certified by a registered professional engineer, land surveyor or architect engaged in storm drainage design may be submitted when:

- (1) No part of the parcel or property for which the drainage permit is required is in an impacted drainage area; and
- (2) The primary basis on which a drainage permit is required is the construction, enlargement or location, on a permanent foundation, of a one-family dwelling, two-family dwelling or accessory structure appurtenant to either a one- or two-family dwelling.

(b) The drainage plan must be submitted in duplicate and shall indicate the nature and location of all work to be accomplished pursuant to a drainage permit. The drainage plan must be neat, accurate and readable. One (1) copy of the drainage plan will remain on file in the ~~department of public works~~ division of compliance. The following information must be submitted for approval under this section:

- (1) The legal description and the street address for the property;
- (2) The dimensions and borders of the parcel;
- (3) The name and address of the owner;

- (4) An arrow indicating north;
- (5) Location of all existing and proposed improvements, structures and paved areas on the site;
- (6) Existing and proposed grading showing positive drainage by contouring or sufficient spot elevations; and
- (7) Location of all existing or proposed swales, ditches, culverts, drainage channels, surface and subsurface drainage devices and the direction of the flow.

The drainage plan shall include information necessary to demonstrate conformity with all drainage requirements of Article III of this chapter. The plot map shall illustrate the surface drainage pattern of the site away from structures and the final distribution of surface water off site, either preventing or planning for surface ponding.

(c) The approval of a drainage plan by the ~~department of public works~~ division of compliance under this section shall be valid for a period of one (1) year from the date such approval was granted, or until the drainage permit for which the plan was submitted is issued, whichever occurs first. However, prior to the issuance of the permit, if there are any material changes to an approved drainage plan or circumstances which cause the drainage plan to be inaccurate or incomplete, then a new or corrected drainage plan shall be submitted to the ~~department~~ division as a precondition for obtaining a drainage permit.

(d) Notwithstanding other provisions of this section, submission of a drainage plan shall not be required as a precondition for obtaining a drainage permit in the instance of a one- or two-family dwelling constructed in a subdivision for which a plat has been approved in accordance with ~~the Subdivision Control Ordinance, 58A.O. 13 as amended~~ Chapter 731, Article III of this Code, and for which a drainage plan meeting the requirements of section 561-224 has been approved and a permit issued under this chapter, so long as the permit applicant certifies that the land alteration shall be accomplished in compliance with the specifications and information found on the approved plat and on such drainage plan. Any deviations from the drainage provisions as approved in the plat and drainage plan for the subject plot must be submitted to the ~~department of public works~~ division of compliance for approval by the ~~director~~ administrator of the division, and the ~~director~~ administrator may require the submission of plans or other information relative to the deviation which may be required as a precondition to approval by the ~~director~~.

Sec. 561-226. Expiration of permit by operation of law; extensions.

(a) If the land alteration for which the permit has been issued has not commenced within one hundred eighty (180) days from the date of its issuance, the permit shall expire by operation of law and no longer be of any force or effect; provided, however, the ~~director~~ administrator of the division of compliance may, for good cause, shown in writing, extend the validity of the permit for an additional period which is reasonable under the circumstances to allow commencement of the land alteration. In no event shall the extension exceed a period of sixty (60) days.

(b) If the land alteration has been commenced but only partially completed, and thereafter no substantial land alteration has occurred on the site for a period of six (6) months, the permit shall expire by operation of law and no longer be of any force or effect; provided, however, the ~~director~~ administrator of the division of compliance may, for good cause shown in writing, extend the validity of such permit for an additional period which is reasonable under the circumstances to allow resumption of the land alteration.

(c) An extension under this section may be granted upon the payment of the applicable fee as computed in accordance with Division 8 of Article II of this chapter, and shall be confirmed in writing.

Sec. 561-227. Notice of change in permit information; amendment of permits and plans.

(a) After a permit has been issued, the permittee shall give prompt written notice to the ~~director~~ administrator of the division of compliance of any addition to or change in the information contained in the permit application.

(b) After a permit has been issued, any material deviation or change in the information contained in the permit application or in the approved plans shall be considered an amendment subject to approval by the ~~director~~ administrator of the division of compliance. Prior to the time land alteration involving the change occurs, the permittee shall file with the ~~director~~ administrator a written request for amendment, including a detailed statement of the requested change and the submission of any amended plans.

(c) The ~~director~~ administrator of the division of compliance shall give the permittee written notice that the request for amendment has been approved or denied, and if approved, copies of the amended application or plans shall be attached to the original application or plans.

(d) The ~~director~~ administrator of the division of compliance may approve an amendment to a permit or approved plans under this section upon the payment of the applicable fee as computed in accordance with Division 8 of Article II of this chapter. Reinspection fees or other fees which are occasioned by the amendment shall be assessed and paid in the same manner as for original permits or plans.

Sec. 561-228. Determination of impacted drainage areas.

(a) The board of public works is authorized, but is not required, to classify certain geographical areas as impacted drainage areas and to enact and promulgate regulations for land alteration in impacted drainage areas, in addition to regulations which are applicable generally. Such classifications and regulations may be later modified or rescinded by the board of public works.

(b) Action of the board of public works to classify or declassify any area as an impacted drainage area, or to promulgate, repeal or modify any regulation in regard thereto, shall be in compliance with the requirements of Article III, Division 2 of this chapter, regarding promulgation, repeal and modification of regulations generally.

(c) In determining impacted drainage areas, the board of public works shall consider such factors as topography, soil type and distance from adequate drainage facilities. The following areas shall be designated as impacted drainage areas, unless good reason for not including them is presented to the board of public works:

- (1) A floodway or floodplain designated by the metropolitan development commission in the zoning ordinance of Marion County, Indiana;
- (2) Land within seventy-five (75) feet of each bank of any legal drain;
- (3) Land within fifty (50) feet of each bank of a natural drainageway, including a river, stream, gully, ditch or other definite natural watercourse;
- (4) Land where there is not an adequate outlet, taking into consideration the capacity of depth of the outlet.

(d) A map identifying impacted drainage areas shall be retained in the office of the ~~department of public works~~ division of compliance and shall be made conveniently available to members of the public during regular business hours.

Sec. 561-229. Transfer of permit.

(a) A drainage permit may be transferred with the approval of the ~~director~~ administrator of the division of compliance to a person, partnership or corporation which would be eligible under section 561-222 to obtain such drainage permit in the first instance (hereinafter called "transferee"), after both the payment of a fee as computed in accordance with Division 8 of this article and the execution and filing of a form furnished by the ~~department of public works~~ division of compliance. Such transfer form shall contain, in substance, the following certifications, release and agreement:

- (1) The person who obtained the original drainage permit or a person who is employed by and authorized to act for the obtainer (hereinafter called "transferor") shall:
 - a. Certify under penalties for perjury that such person is familiar with land alteration activity accomplished pursuant to the drainage permit; such person is familiar with the drainage requirements applicable to the land alteration activity; and to the best of such person's knowledge, information and belief the land alteration activity, to the extent performed, is in conformity with all drainage requirements; and
 - b. Sign a statement releasing all rights and privileges secured under the drainage permit to the transferee.

(2) The transferee shall:

- a. Certify that the transferee is familiar with the information contained in the original drainage permit application, the drainage plan, and any other documents filed in support of the application for the original drainage permit;
- b. Certify that the transferee is familiar with the present condition of the premises on which land alteration activity is to be accomplished pursuant to the drainage permit; and
- c. Agree to adopt and be bound by the information contained in the original application for the drainage permit, the drainage plan, and other documents supporting the original drainage permit application; or in the alternative, agree to be bound by such application, plan and documents as modified by an amendment submitted to the ~~director~~ administrator of the division of compliance for approval.

(b) The transferee shall assume the responsibilities and obligations of and shall comply with the same procedures required of the transferor (including, but not being limited to, the requirement of section 561-241 that a certificate of completion and compliance be executed and filed) and shall be subject to any written orders issued by the ~~director~~ administrator of the division of compliance.

(c) A permit for land alteration activity at a specified location may not be transferred to land alteration activity at another location.

SECTION 11. Sections 561-231, 561-232, and 561-233 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 561-231. Posting of bond.

(a) The ~~director~~ administrator of the division of compliance may, as a prerequisite to the issuance of a drainage permit, require the posting of a performance bond from a company licensed by the State of Indiana to provide such surety, upon which the principal may be the owner of the affected land, the developer, or any other party or parties the ~~director~~ administrator believes necessary or helpful. Such bond shall name the City of Indianapolis and County of Marion as parties who can enforce the obligations thereunder, and shall be in an amount established by the ~~director~~ administrator as adequate to provide surety for the satisfactory completion of the improvements required by the drainage permit. In the instance of platting, such bond may be a part of the total bonding required by the plats committee of the metropolitan development commission.

(b) In instances where the ~~director~~ administrator of the division of compliance has required a performance bond pursuant to this section, the ~~director~~ administrator may, as an alternative to the posting of such bond, accept other appropriate security, such as a properly conditioned irrevocable letter of credit, which meets the same objectives as the performance bond described in this section, subject to approval of any other department or agency whose interests are protected by the same bonding requirement.

Sec. 561-232. Execution of covenant.

Where the ~~director~~ administrator of the division of compliance shall determine that such is necessary in order to achieve satisfactory present and future drainage of the parcel of land for which a drainage permit is sought and the area surrounding that parcel, the ~~director~~ administrator may, as a prerequisite to the issuance of a drainage permit, require the execution of covenants and/or easements running in form to the City of Indianapolis and County of Marion by the owner or owners of such parcel. As a minimum in such cases, the ~~director~~ administrator shall require that the following covenant be executed by the owner or owners of such land which will be included in a recorded plat:

"It shall be the responsibility of the owner of any lot or parcel of land within the area of this plat to comply at all times with the provisions of the drainage plan as approved for this plat by the ~~department of public works~~ division of compliance of the City of Indianapolis and the requirements of all drainage permits for this plat issued by said ~~department~~ division."

Sec. 561-233. Dedication of easement.

The ~~director~~ administrator of the division of compliance may, as a prerequisite to issuance of a drainage permit, require the dedication of easements to the City of Indianapolis and to owners of other affected lands by the owner of the parcel of land, relative to which application for a drainage permit has

been made, where such is necessary to achieve satisfactory present and future drainage of the parcel and the area surrounding the parcel.

SECTION 12. Section 561-241 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 561-241. Certificate of completion and compliance.

Within fourteen (14) days after completion of a land alteration for which a drainage permit was required and relative to which a certified plan was required to be filed pursuant to section 561-224, a registered professional engineer, land surveyor or architect, engaged in storm drainage design, shall execute and file with the ~~department of public works~~ division of compliance a certificate of completion and compliance. Such certificate shall be in the following form:

CERTIFICATE OF COMPLETION AND COMPLIANCE

Address of premises on which land alteration was accomplished _____

Inspection Date(s): _____ Permit No. _____

Relative to plans prepared by: _____ on _____, 9 _____.

I hereby certify that:

- (1) I am familiar with drainage requirements applicable to such land alteration (as set forth in Chapter 561 of this Code); and
- (2) I have personally observed the land alteration accomplished pursuant to the above-referenced drainage permit; and
- (3) To the best of my knowledge, information and belief, such land alteration has been performed and completed in conformity with all such drainage requirements, except _____

Signature _____ Date _____

Typed or Printed Name _____ Phone _____

(SEAL)

Business Address _____

Surv. _____ Eng. _____ Arch. _____ Indiana Registration No. _____

SECTION 13. Section 561-251 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 561-251. General authority for investigations and inspections.

(a) The power to make investigations and inspections of land alterations shall be vested in ~~both the director and the administrator of the division of permits~~ compliance and his authorized representatives.

(b) Investigation and inspection of land alteration may be made at any time by going upon, around or about the premises on which the land alteration has occurred.

(c) Such investigation and inspection may be made either before, during or after the land alteration is completed, and it may be made for the purposes, among others, of determining whether the land alteration meets drainage requirements and ascertaining whether the land alteration has been accomplished in a manner consistent with plans and specifications or a certificate filed pursuant to section 561-241.

(d) Efforts to afford an opportunity for investigation and inspection of the land alteration shall be made by persons working on or having control of the land alteration, including making available a copy of plans and specifications submitted to obtain a drainage permit.

SECTION 14. Sections 561-262 and 561-263 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 561-262. Revocation of permits.

(a) The ~~director~~ administrator of the division of compliance may revoke a drainage permit where the application, plans or other supporting documents required by section 561-223 reflect either:

- (1) A false statement or misrepresentation as to material fact; or
 - (2) Lack of compliance with drainage requirements; or
 - (3) Failure to comply with the requirements of section 561-221, 561-222, 561-223, 561-224, 561-225 or 561-227; or
 - (4) Failure to post bond, execute covenants or dedicate easements as required by the ~~director~~ administrator of the division of compliance pursuant to ~~section 561-241, 561-242 or 561-243~~ sections 561-231, 561-232 or 561-233 of the code.
- (b) This sanction shall in no way limit the operation of penalties provided elsewhere in this division.

Sec. 561-263. Stop-work order.

(a) Whenever ~~the director or~~ the administrator of the division of permits compliance or his authorized representative discovers the existence of any of the circumstances listed below, he is empowered to issue an order requiring the suspension of the land alteration. The stop-work order shall be in writing and shall state to what land alteration it is applicable and the reason for its issuance. One (1) copy of the stop-work order shall be posted on the property in a conspicuous place and one (1) copy shall be delivered to the permit applicant, and if conveniently possible to the person doing the land alteration and to the owner of the property or his agent. The stop-work order shall state the conditions under which land alteration may be resumed. A stop-work order shall be issued if:

- (1) Land alteration is proceeding in an unsafe manner; or
 - (2) Land alteration is occurring in violation of a drainage requirement and in such manner that if land alteration is allowed to proceed, there is a probability that it will be substantially difficult to correct the violation; or
 - (3) Land alteration has been accomplished in violation of a drainage requirement and a period of time which is one-half (1/2) the time period in which land alteration could be completed, but no longer than fifteen (15) calendar days has elapsed since written notice of the violation or noncompliance was either posted on the property in a conspicuous place or given to the person doing the land alteration, without the violation or noncompliance being corrected; or
 - (4) Land alteration for which a drainage permit is required is proceeding without a drainage permit being in force. In such an instance, the stop-work order shall indicate that the effect of the order terminates when the required drainage permit is obtained.
- (b) This sanction shall in no way limit the operation of penalties provided elsewhere in this division.

SECTION 15. Section 561-266 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 561-266. Enforcement of covenants.

(a) Any person who violates a covenant required under section ~~561-242~~ 561-232, and/or the owner of any parcel of land who permits such a violation upon land owned by him or her, may be notified in writing by ~~the director, or by the administrator of the division of permits of the department of metropolitan development compliance~~, that a violation exists, and shall be given a reasonable period of time in which to correct such violation. The notice shall specify the nature of the violation with reasonable clarity.

(b) If the person responsible for a violation of a covenant required under section ~~561-242~~ 561-232, or the owner of the land upon which such violation exists, fails to correct the violation in a reasonable time in accordance with the requirements of the notice described above, the City of Indianapolis shall have the

authority, through ~~the department of public works or the division of permits of the department of metropolitan development compliance~~, to correct the violation at its expense and to place a lien on the land whereupon the violation was so corrected for the recovery of any and all expenses caused to the city for effecting such correction.

SECTION 16. Sections 561-271 and 561-272 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 561-271. Variance procedure.

(a) ~~The director personally or, in his absence, an employee of the department of public works designated by the director administrator of the division of compliance, after consultation with the engineering division of the department of public works,~~ shall have the power to modify or waive any minimum drainage standard found in Article III of this chapter or any regulations promulgated by the board of public works pursuant to Article III of this chapter. ~~The director or his designate administrator may,~~ but is not required to, grant such a modification or waiver if an applicant for a drainage permit makes a substantial showing:

- (1) That a minimum drainage standard regulation is infeasible or unreasonably burdensome; and
- (2) That an alternate plan submitted by the applicant will achieve the same objective and purpose as compliance with minimum drainage standards and regulations.

(b) The request for a variance together with supporting information shall be made in writing to the ~~director or his designate administrator~~ who shall make a decision within twenty (20) days and file a copy of his decision with the board of public works.

Sec. 561-272. Appeals.

An applicant may appeal to the board of public works the decision of the ~~director or his designate administrator of the division of compliance~~ denying or partially approving a requested variance. The appeal of the ~~director's or his designate's administrator's~~ decision shall be filed with the board within twenty (20) days of the decision. An applicant may cause the variance request to be scheduled before the board of public works in the instance where the ~~director or his designate administrator~~ has failed to make a decision for a period of twenty (20) days after the written request for a variance. The board shall hear the request for the variance de novo at a regular meeting and in making a decision shall apply the standards set forth in section 561-271.

SECTION 17. Section 561-283 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 561-283. Payment of fees; refunds.

(a) Fees for drainage permits shall be collected by the ~~department of public works~~ division of compliance, acting on behalf of the city controller.

(b) A permit fee paid under this chapter shall not be refunded except upon request and in instances where the permit was issued in error, either because it was not required by law, or because a permit for the same activity previously had been issued and was in force at the time the second permit was applied for and issued.

SECTION 18. Section 611-302 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 611-302. Definitions.

(a) The terms used in this article shall have the meanings ascribed to them in IC 9-22-1-2.

(b) In addition to the definition of "officer" contained in I-C 9-9-1.1-2, "officer" shall also mean a ~~member~~ members of the department of public works and the division of compliance of the department of metropolitan development who ~~is~~ are authorized to impound vehicles.

SECTION 19. Section 621-104 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 621-104. Authority of directors of public safety and ~~capital asset management~~ public works to modify this article in an emergency.

Whenever any provision of this Code or other ordinance of the city shall designate and specify that it shall be unlawful for the owner, driver or operator of any vehicle to park or stop such vehicle, or to permit the vehicle to be parked or to stand upon any designated and specific streets or portions of streets within designated or specified times, the directors of the departments of public safety and ~~capital asset management~~ public works, deeming an emergency to exist, shall declare the emergency and shall jointly modify, change and amend the specified hours and times to which the restriction of the provision of this Code or other ordinance shall apply; and shall cause signs giving notice of the hours and times designated and specified by such order to be placed and maintained upon and along such streets and portions of streets by the department of ~~capital asset management~~ public works. No such regulation or order shall be effective unless such signs are in place upon and along the streets and/or portions of streets so specified and designated.

SECTION 20. Section 645-112 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 645-112. Definitions.

(a) The following terms and phrases when used throughout this Article I of Chapter 645 shall have the meanings ascribed to them in this section:

(1) *Article* means this article of this Code.

(2) *Director of the department of public works* means such director and any person to whom such director specifically delegates the powers under this Chapter 645.

Division of compliance means the division of compliance of the department of metropolitan development.

(3) *Effective date* means the date upon which this article is considered adopted pursuant to IC 36-3-4-14.

(3) *Entity* means a corporation, partnership, limited liability company, association, firm, other entity, and any governmental agency, authority, board, agency and department.

(4) *Facilities* mean, including, without limitation, any pipes, conduits, wires, cables, amplifiers, transformers, fiber optic lines, antennae, poles, ducts, conductors, lines, mains, vaults, appliances, attachments, equipment, structures, manholes, and other like equipment, fixtures and appurtenances used in connection with transmitting, receiving, distributing, offering, and providing utility services, cable television, communications, signaling, electricity, water, steam and other services or functions.

(5) *General management costs* means the management costs for:

- a. Registration and permit administration;
- b. Management of the public rights-of-way, including costs associated with the implementation and administration of the ordinances and policies of the consolidated city;
- c. Project management, including personnel costs and consulting expenses associated with coordinating utility and public right-of-way projects, design, inspection, testing, construction management, planning, and engineering, as well as restoration or remedial work required for inadequate work of an occupant to the extent that such inadequate work cannot be identified to a specific occupant or the occupant to which such inadequate work can be identified is insolvent;
- d. Public right-of-way engineering;
- e. Land acquisition for public right-of-way, including but not limited to appraising, title work, negotiating, costs of litigation, mediation and settlement, consultants, witnesses and attorneys fees;

- f. Mapping the public rights-of-way and coordinating mapping of all occupants of the public rights-of-way, including the costs of layout, materials and supplies, in order to verify occupation of the public rights-of-way;
- g. Geographic information system costs incurred after the effective date with respect to facilities installed in the public right-of-way, including the costs of automated mapping, computer and technical services, input of data, coordination and maintenance of the base map, personnel, software and equipment;
- h. Administrative overhead, including allocation of administration, personnel, fiscal and information systems costs;
- i. Application development and data conversion and maintenance, including necessary software development to provide for the integration of utility data into the geographic information system for viewing, querying and report generation;
- j. Legal services to develop, interpret, implement, enforce and defend the ordinances, policies and procedures of the consolidated city regarding the public rights-of-way; and
- k. Maintenance of a roadway inventory system, including maintenance of a pavement management system and inventory of roadway surface condition ratings to determine maintenance needs and schedules.

(6) *Management costs* means "general management costs" and "specific management costs" that are direct, actual and reasonably incurred costs of the consolidated city in managing the public rights-of-way.

(7) *Municipally-owned utility facilities* means any facilities owned by the consolidated city, or any division, department, bureau or agency thereof, including the utilities department and the department of public works, and for which a user fee or charge is made or collected by or on behalf of such owner.

(8) *Occupant* means any person or entity who owns any facilities occupying the public rights-of-way. If the owner of any facilities leases or licenses such facilities exclusively to another person or entity and if the lease or license so provides and a copy of such lease or license is filed with the department of public works, then the lessee or licensee thereof shall be deemed the "occupant" of such facilities for purposes of this article.

(9) *Occupy* (and the various forms of such word, such as occupying, occupied, etc.) means to install, construct, maintain, operate or own any facilities in the public rights-of-way.

(10) *Person* means an individual or natural person.

(11) *Public easement* means any easement owned or controlled by the consolidated city and established, acquired, dedicated or devoted to public utility purposes, including the area above and below such easements.

(12) *Public right-of-way* means any travelled way and/or any public easement.

(14) *Public utility* shall have the meaning ascribed thereto in IC 8-1-2-1(a).

(15) *Registrant* means any entity or person who is required by this chapter to file with the board of public works a registration statement.

(16) *Regulation* is defined in section 102-14 and, as used in this article, includes any regulation adopted by the board of public works pursuant to this article in accordance with section 645-151, promulgated in accordance with Chapter 141 of the Code, and approved by the city-county council of the consolidated city.

(17) *Specific management costs* means the management costs for:

- a. Construction, maintenance, repair and restoration of the public rights-of-way to the extent not included as a general management cost above, including, without limitation, the inspection of job sites and restoration projects as well as restoring work inadequately performed after providing notice and an opportunity to correct the work; and
- b. Implementation and administration of this Chapter 645 and any ordinance that ensures that an occupant adequately restores the public right-of-way to the public right-of-way's original condition and remaining life.

(18) *Thoroughfare* means that portion of any public right-of-way that is included in the Marion County Thoroughfare Plan.

(19) *Travelled way* means any highway, street, alley, sidewalk or other public right-of-way for motor vehicle or pedestrian travel under the jurisdiction or control of the consolidated city, including any areas within any public right-of-way which may be unpaved and the unoccupied area above and below such rights-of-way.

(20) *Utilities department* means the department of public utilities of the consolidated city created under IC 8-1-11.1-1.

(b) The terms public easement, public rights-of-way, travelled way and thoroughfare do not include:

(1) Any land or interest in land designated as a "green way" by Indy Parks; or

(2) The airwaves above same as those airwaves are used for cellular or other nonwire telecommunications or broadcast services.

(c) Definitions of the following terms used in this chapter are defined in other provisions of the Code and apply to this article:

(1) *Code* is defined in section 102-7.

(2) *Regulation* is defined in section 102-14.

SECTION 21. Section 645-322 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 645-322. Duties and responsibilities of the ~~department of public works~~ division of compliance.

(a) The ~~department of public works~~ ("department") division of compliance shall be responsible for controlling all activities and work performed by any person, partnership, corporation or other entity, including departments, divisions, agencies or boards of the city, in, on, under and over public rights-of-way under the jurisdiction of the city ("public rights-of-way") and for enforcing compliance with the provisions of regulations adopted by the public works board ("board") pursuant to this article.

(b) The ~~department~~ division of compliance, after consultation with the engineering division of the department of public works, shall recommend to the board proposed regulations to be adopted by the board.

SECTION 22. Section 645-324 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 645-324. Permit required for work in right-of-way; enforcement.

(a) Except as otherwise provided in subsections (b) and (c) of this section, it shall be unlawful for any person, partnership, corporation, or other entity, including departments, divisions, agencies or boards of the city to perform any work, including, but not limited to, cutting, drilling, digging or excavating in, on, over or under a public right-of-way without first having obtained a permit from the ~~department~~ division of compliance. A violation of this section is subject to the enforcement procedures and penalties provided in section 103-3 of this Code; provided, however, the fine imposed for such violation shall not be less than one hundred dollars (\$100.00), and each day that an offense continues shall constitute a separate violation. The city controller shall cause any fines collected under this section to be deposited into an account for the use and benefit of the ~~department of public works~~ division of compliance.

(b) In the event an emergency arises that affects the health and safety of the public or requires the restoration of a utility service and such an event occurs at a time other than normal business hours for the ~~department~~ division of compliance, work may be performed in, on, over or under the public right-of-way without first obtaining a permit. If such event were to occur, the person, partnership, corporation or other entity performing such work must file for a permit from the ~~department~~ division of compliance on the first business day following the commencement or performance of the work.

(c) Notwithstanding the requirements of subsection (a), no permit shall be required for work in, on, over or under a street, (i) which is located within a subdivision platted after January 1, 1992, and (ii) which has not been accepted by the board in accordance with section 691-129 of this Code.

SECTION 23. Sections 645-421 and 645-422 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 645-421. Permit required; enforcement.

(a) It shall be unlawful for any abutting owner to alter, remove or cut any grassplot, sidewalk, the pavement of the street or the curb adjacent thereto, or to excavate in a street, for the purpose of locating or constructing any private or commercial driveway or roadway for vehicles to cross over such grassplot or sidewalk and to afford access to his premises, without first obtaining a permit therefor from the ~~board of public works~~ division of compliance.

(b) A violation of this section is subject to the enforcement procedures and penalties provided in section 103-3 of this Code; provided, however, the fine imposed for such violation shall not be less than one hundred dollars (\$100.00), and each day that an offense continues shall constitute a separate violation. The city controller shall cause any fines collected under this section to be deposited into an account for the use and benefit of the ~~department of public works~~ division of compliance.

Sec. 645-422. Temporary driveways.

A temporary driveway for use in connection with the removal or construction of buildings and excavations, or other work thereon, shall be permitted at any place in such manner and for such length of time as may be authorized by the ~~board of public works~~ division of compliance.

SECTION 24. Sections 645-427 and 645-428 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 645-427. Voidance of permit upon change of use or application for building permit for adjacent premises.

(a) A permit granted pursuant to this division for the cutting of a curb, grassplot or sidewalk adjacent to any street for the purpose of locating or constructing any private or commercial driveway or roadway for vehicles to cross over any grassplot or sidewalk or to afford access to adjacent premises shall automatically terminate upon a change in the business usage of the premises, regardless of how slight or minor the change may be. Also, upon the application of any person for a building permit upon any portion of adjacent premises to which access is allowed by virtue of the permit issued pursuant to this division for a curb cut, such permit shall automatically terminate at the time of application for the building permit.

(b) The change of business usage or upon the application for a building permit, and the subsequent termination of a curb cut permit, as provided in subsection (a) shall subject the person owning or using the adjacent premises to the penalties for violation of this division just as though no permit had been issued for the curb, grassplot or sidewalk cut.

(c) In the event the person owning or using such premises at the time of the change in business usage or at the time of the application for a building permit, or the new owner or lessee, if any, shall immediately petition the ~~board of public works~~ division of compliance for approval to retain the permit issued pursuant to this division, and the person complies with the decision or orders of the ~~board of public works~~ division of compliance regarding modification, change, alteration or elimination of the existing curb, grassplot or sidewalk cut, such person shall not be in violation of this division.

Sec. 645-428. Restoration upon abandonment.

(a) When any private or commercial driveway or roadway has been abandoned or is no longer used for a driveway or roadway, the ~~board of public works~~ division of compliance may order any owner or owners of real estate abutting such driveway or such roadway to restore, construct or reconstruct any grassplot or sidewalk, or the pavement of the street or the curb adjacent thereto, which has been altered, removed or cut for the purpose of locating or constructing the private or commercial driveway or the roadway to at least as good condition as the grassplots, sidewalks, street pavements and curbs adjoining such driveway or the roadway. The ~~board of public works~~ division of compliance shall mail a written notice of the order to the owner or owners at their last and usual places of residence which are known to the board or, if no such places of residence are known, to the address of the real estate abutting the driveway or the roadway. Within sixty (60) days after the mailing of such notice or within such longer time as may be stated by ~~the board~~ in the notice, the owner shall complete all work required by the order in accordance with the provisions of this section, and failure to do so shall constitute a violation of this division.

(b) Should the restoration, construction or reconstruction ordered pursuant to subsection (a) not be completed within the time required, the ~~board of public works~~ division of compliance may ~~order~~ request such restoration, construction or reconstruction to be done by the ~~director~~ department of public works or by contract, and the entire cost thereof, together with such additional charge as may be made by the ~~board~~ division of compliance, in an amount not to exceed one hundred dollars (\$100.00), may be collected by action therefor against the owner or owners; or the board, in lieu of and in addition thereto, may file and certify the cost and charges to the controller, who shall file a statement thereof with the county treasurer, who shall place such charges upon the tax duplicate, whereupon it shall constitute a lien upon the real estate and be charged and statements rendered therefor and be collected the same as taxes. No notice of any such charge so assessed shall be required, but each such person so liable shall be chargeable with notice thereof, as shown by the public tax and other records.

SECTION 25. Sections 645-431 and 645-432 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 645-431. Permit required; enforcement.

(a) Before any person, pursuant to a private contract therefor and for the benefit and use of his abutting real estate, shall make any cuts into the pavement or in any other portion of any improved street, sidewalk, curb or public place to excavate therein or to excavate in and beneath the surface of any unimproved street for the construction, reconstruction, alteration or repair of any driveway, sewer or sidewalk, or for the installation or repair of connections of private sewers, drains or public utility service lines located upon and serving his abutting real estate with any public sewer or public utility service lines located in the public way or place pursuant to any provisions of this Code, he shall first obtain a permit therefor as provided in this division.

(b) A violation of this section is subject to the enforcement procedures and penalties provided in section 103-3 of this Code; provided, however, the fine imposed for such violation shall not be less than one hundred dollars (\$100.00), and each day that an offense continues shall constitute a separate violation. The city controller shall cause any fines collected under this section to be deposited into an account for the use and benefit of the ~~department of public works~~ division of compliance.

Sec. 645-432. Permit application.

Any person desiring a permit required by this division shall cause an application therefor to be filed with the ~~board of public works, at the office of the director~~ division of compliance. The application shall be filed by the owner of such premises, or by his legal representative or agent, or by the contractor or other person concerned, or as may be otherwise required by this Code or by any statute.

SECTION 26. Sections 645-434 and 645-435 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 645-434. Scope of permit.

A permit required by this division may be for the work to be done under one (1) specific contract, or may be issued to a person generally engaged in such work, to whom has been or may be issued a general permit for not exceeding two (2) years, without charge therefor, which shall be covered by one (1) performance and maintenance bond, to be kept effective for all such work done by him during such entire period, subject to the right of the ~~board of public works~~ division of compliance to revoke the general and any special permit at any time, and subject also to the requirements of obtaining separate special permits for each instance of any such work being done by him under any private contract and the payment by him of the separate permit fees required therefor by this division.

Sec. 645-435. Indemnification agreement; liability insurance.

A person doing work under any special permit issued pursuant to this division shall also agree to indemnify the city and any party in interest under the contract against all claims, demands, actions, judgments, losses and expenses arising from any injuries to any person or damage to any property resulting from the work or from any conditions created thereby in the street or public place. The permittee shall present a certificate to the ~~board of public works~~ division of compliance that there is in effect a standard public liability insurance policy by a company authorized to engage in such business in the state, with such limits of payment as the board may require, but not less than fifty thousand dollars (\$50,000.00) for injury to one (1) person and not less than one hundred thousand dollars (\$100,000.00) for injuries to more than one (1) person and not less than ten thousand dollars (\$10,000.00) for damages to property. The insurance policy, an extension thereof or

a new policy shall be kept in effect during the entire specific period for which a performance and maintenance bond is in effect and for which a general permit has been granted to any such person; or for the time any work is done and maintained under a single contract and any specific permit and bond therefor.

SECTION 27. Sections 645-438 through 645-443 of the "Revised Code of the Consolidated City and County," inclusive, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 645-438. Surety bond.

(a) Any person doing any kind of work subject to this division under private contract and permit, unless then so qualified and having a general permit and performance bond in effect, shall execute and file with the ~~board of public works~~ division of compliance, before beginning any such work, a bond for the proper performance and maintenance of such work, with a surety approved by the board, in the penal amount of not less than two thousand five hundred dollars (\$2,500.00) for a single street cut or twenty-five thousand dollars (\$25,000.00) for unlimited multiple street cuts in any year, for the use and benefit of the city or of any party in interest under such contract.

(b) The bond required by subsection (a) shall continue to be effective for and applicable to each and all special permits and to any continuing general permit issued therewith to the principal for any such work, under private contract, for a period of two (2) years from the date of the bond, and for such further periods as the bond and any general continuing permit may thereafter be extended by endorsements thereon of the parties thereto and as so approved by the ~~board of public works~~ division of compliance, which ~~board~~ division may require increases in the penalty of the bond and a new or additional surety at any time, or may cancel any permit issued pursuant to this division. The bond shall be subject to all relevant provisions of this Code and of any other ordinances of the city and of all relevant statutes. Such bonds shall be conditioned upon such person obtaining and renewing an annual license from the city to engage in such business, where so required for each year during the two (2) calendar years, or for such other period of years for which the bond and general permit may be extended; it shall further be conditioned upon the permittee's discharge of his duties and compliance with all provisions of this Code and of any other city ordinances, rules and regulations at any time in force in relation to the mode, manner or form in which the work shall be done and maintained by him; and it shall further be conditioned that he will indemnify and save harmless and free from all loss, damage, expenses, claims, demands and judgments, the city and any party in interest under such contract, arising from any negligence of the person or of those employed by him in doing and maintaining the work, or in furnishing and using any materials therefor, or in failing to comply with all requirements of the director of metropolitan development, the division of permits, ~~the division of code enforcement and the director of public works~~ compliance, and with all statutes, provisions of this Code or of any later ordinance, relating to or controlling such work.

(c) The bond provisions and conditions established in subsection (b) shall be a part of every bond required by subsection (a) and shall be binding upon such obligor and all other persons, whether so expressed in or omitted from any such bond.

(d) The ~~board of public works~~ division of compliance, in its discretion, may change or add to any bond conditions, or change the form of the bond to make it include and comply with such requirements. The ~~board~~ division of compliance may authorize or require renewals thereof and a sufficient surety as often as necessary to insure the completion of the work, as approved by the ~~director of public works and accepted by the board administrator of the division of compliance~~, and its proper maintenance for one (1) year, or other period prescribed by the ~~board~~ division of compliance, after such acceptance. The board may at any time adopt any general rules and regulations or issue any special orders which it deems necessary to control all or any phases of such work and all other matters relating to the proper restoration and maintenance of any street or public place so involved. Any bond previously executed shall be controlled by any such changes in its conditions and form, when the principal and surety are notified thereof by the ~~board~~ division of compliance and do not object thereto. If an objection in writing is filed with the ~~board~~ division of compliance, such changes shall not apply to any such bond while it remains in effect.

(e) As an alternative to the execution of any performance and maintenance bond required by subsection (a), the ~~board of public works~~ division of compliance may require, in any instance, the deposit with the ~~board~~ division of cash or a certified check in such amount as it deems necessary for the estimated cost of doing and maintaining the work properly, to insure the full compliance of such person with all the requirements of the ~~board~~ division of compliance and of all the conditions similar to those applicable to the bond.

Sec. 645-439. Plans and specifications.

Unless otherwise required or permitted by the ~~board of public works~~ division of compliance, all plans and specifications for the work relating to any commercial driveway constructed under private contract, but not relating to any private driveway, shall be prepared and certified by a professional engineer registered by the state; and the general plans and specifications of the board for acceptance of street improvements by the city as prescribed in this article, so far as applicable to any such work, shall also control the work done under any private contract and permit therefor.

Sec. 645-440. Excavations affecting drainage or grade.

No person shall dig any hole or make any excavation in any street or public place which interferes with drainage when the work has been completed or thereby changes the grade, contour and level of any street or public place in the city below the existing surface or below the level of the grade as it has been lawfully established by the city before or at such time, unless the work and changes have been authorized by the ~~director of public works, acting under the directions of the board of public works~~ division of compliance after consultation with the engineering division of the department of public works.

Sec. 645-441. Protection of excavations.

(a) Any person cutting a pavement, curb, sidewalk or driveway, or digging any hole in or excavating in any street, sidewalk or public place, for any purpose authorized by the city, or acting in an emergency repair or under a public or private contract, shall erect and maintain at all times around any such place, hole or excavation suitable and sufficient barricades for the protection of the public. When such cuts, holes or excavations are made in or across sidewalks or driveways, or at other places used by pedestrians, bridges, platforms or covers shall be erected over them sufficient to serve for the safe passage of the public, in addition to placing and maintaining, where needed, such barricades.

(b) All places for which protection is required by subsection (a) shall be properly lighted at night, as required by the city for any other work in the streets, under either public or private contract, and by the city safety regulations, which lights shall be maintained from one-half (1/2) hour after sunset until one-half (1/2) hour before sunrise during each night, until all such work is fully completed and the conditions of danger are fully removed.

(c) The guarding and protection of excavations, cuts or holes by any person causing such conditions shall be a continuing duty and shall be subject to the supervision, directions and orders of the ~~director of public works~~ division of compliance, the police and the firemen.

(d) The requirements of subsections (a) and (b) shall apply to all other provisions of this Code relating to any similar hazards created by any kind of work being done by or for any department or official of the city or by any person in any street, public place or ground, which is at any time either owned by or under the control of the city, or is situated anywhere within its jurisdiction.

Sec. 645-442. Restoration of pavement.

(a) Whenever any portion of a public way is excavated by any person authorized to do so, the person so doing any such work shall also restore such place to its former condition, whenever so required by the city, acting under the directions and orders of the ~~director of public works~~ administrator of the division of compliance.

(b) When so ordered, a permittee under this division shall remove any portion of the pavement or other surface to the extent necessary, and the ground or materials used for relaying the base of the torn-up pavement or surface of the street shall be thoroughly wet rolled and tamped, and otherwise prepared so that the new pavement or surface may be laid and maintained thereon uniformly and in as good condition as it was before being torn up. All such work shall be done according to the city's standard specifications therefor, or according to such added specifications as the ~~director of public works~~ administrator of the division of compliance may require.

(c) When any pavement or surface of any street is cut, torn up, disturbed or excavated in any manner, the person doing so shall restore such pavement or surface as soon as possible, if ordered to do the work, to at least its former condition and in accordance with the provisions of this article and the city's general specifications therefor, and subject to the orders and approval of the ~~director of public works~~ administrator of the division of compliance.

(d) In all cases subject to this section, the city may elect to do all or any part of such work by its own forces or by other persons, and charge the cost therefor to the person to whom an excavation permit was

issued pursuant to this division, who shall pay such costs upon demand by the city. The city, by the ~~board of public works~~ division of compliance, shall notify each such person of its election in respect to the work it proposes to do, or the city may so elect by a general order of the board of public works, applicable to all such instances until its further order thereon.

Sec. 645-443. Penalty for hiring unqualified contractor.

It shall be unlawful for a person to execute a contract to have work subject to this division done by a person who is not so qualified and authorized to engage in such work under all the requirements of this Code, and to fail to ascertain such fact by inquiry at the office of the ~~director of the department of public works~~ division of compliance. The fine imposed for a violation of this section shall not be less than one thousand dollars (\$1,000.00).

SECTION 28. Section 645-514 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 645-514. Use of plots between sidewalk and curb.

(a) The owner, agent, occupant or lessee of any premises, if first applying for and obtaining the approval of the ~~board of public works~~ division of compliance and the board of parks and recreation, may use the plot between the curb and sidewalk for grass or a tree row in front of such premises, lying anywhere between the curblin and the property line and not used by the city for the paved part of any sidewalk or street, and may beautify and improve all or any part of such plot of ground by sodding it, sowing grass seed therein, or by setting out or growing therein plants or flowers, as may be authorized and so long as no obstruction of the roadway or sidewalk results.

(b) Any person desiring so to use and beautify the ground between the sidewalk and the curb shall make written application for a permit therefor to both the ~~board of public works~~ division of compliance and the board of parks and recreation, showing the character and extent of the use or enclosure and the manner of the proposed improvement; and if satisfied with the propriety thereof, such ~~boards~~ division and board may grant and issue such permit, but the approval of both ~~boards~~ the division and the board shall be required.

(c) Whenever the plot subject to this section has been used, sown, sodded or beautified in accordance with the permit required by subsection (b), such person shall maintain it in good order, and no person, without authority from such boards, shall walk upon or across the plot, or pluck, cut or injure in any way any flower or plant thereon, or purposely remove, damage, cut, mark or injure in any way such plot or anything so planted or growing therein.

(d) Such use of the ground and any permit therefor shall remain subject to the control of the ~~board of public works~~ division of compliance and the board of parks and recreation, as their respective jurisdiction authorizes, and such permit may be revoked at any time, after notice to the permittee fixing a time to vacate such space, and any continued use of the plot thereafter shall be unlawful.

(e) When any plot of ground subject to this section is not used by obtaining a permit therefor, the person owning or controlling the premises, unless the city elects to do so, shall keep such plot free of a tall growth of weeds or rank vegetation and any grass growing or sown thereon shall be mowed at reasonable intervals by such person so as to maintain the plot in an orderly and sightly appearance and condition.

(f) It shall be unlawful for any person to place rubbish, trash or wastes upon any plot subject to this section, or on any other part of the street, except as permitted and necessary to be so placed for collection thereof by the city; or for any person to operate any vehicle or ride or drive any animal upon or across such plot, or permit any animal, such as a horse, cow or similar large animal, to graze or walk upon any such plot or otherwise to damage or destroy it.

SECTION 29. Section 645-515 of the "Revised Code of the Consolidated City and County," regarding special charitable solicitation days on streets, hereby is REPEALED.

SECTION 30. Sections 645-518 through 645-521 of the "Revised Code of the Consolidated City and County," inclusive, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 645-518. Stringing wires across public ways.

It shall be unlawful for any person who is not a licensed electrician under this Code and who is not duly authorized to do so by the city to string any wires for use as radio or television aerial wires, or for any other

private purpose or use, across any street, alley or other public place in the city. No person shall place any such wires for any purpose without having a permit therefor from the ~~board of public works~~ division of compliance, except while acting as an employee of and for any public utility which has a permit as required by this Code.

Sec. 645-519. Permit for placing banners, signs or structures on streets.

No person shall place or use any banner, sign or structure for any purpose whatever on any street in the city where such sign or structure obstructs or tends to obstruct the use of the street or sidewalk, nor shall any banner, sign, structure or other thing be placed upon or strung over or across any street without first obtaining a special permit for such limited and temporary use from the ~~board of public works~~ division of compliance, subject to its further orders thereon.

Sec. 645-520. Earthen materials.

It shall be the duty of each person owning or occupying any premises adjoining a street or improved sidewalk, and doing any kind of work causing earth, dirt, materials or debris to be accumulated by or for him upon any portion of the street or sidewalk abutting such premises, to remove or cause the removal thereof within twenty-four (24) hours from the time of such accumulation, unless he obtains an extension of time therefor from the ~~board of public works~~ division of compliance. While such materials are allowed to remain at any such place, the person causing the obstruction shall provide proper barricades and lights therefor, as required for other such obstructions placed upon the public streets.

Sec. 645-521. Permit for bicycle or motorcycle racks on sidewalks.

No person shall erect, place or maintain any bicycle or motorcycle rack on any sidewalk or in the space between the property line and the roadway of any street, without first obtaining a permit therefor from the ~~board of public works~~ division of compliance. The permit may be issued, without charge therefor, under such terms and conditions as the ~~board~~ division deems advisable for the protection of the public and the interests of the city, and it shall be revocable by the ~~board~~ division at any time.

SECTION 31. Section 645-531 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 645-531. Permit for activity after district cooling system franchise agreement.

Notwithstanding the provisions of section 645-512 or section 645-546, after a franchise agreement has been granted by the city-county council for a district cooling system and subject to Article II of this chapter, the ~~department of public works~~ division of compliance, after consultation with the engineering division of the department of public works, may issue permits to the franchise holder for activity within the public rights-of-way located in the franchise district.

SECTION 32. Sections 645-542 through 645-548 of the "Revised Code of the Consolidated City and County," inclusive, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 645-542. Permit required.

No person shall hereafter use or change, for private purposes, any space on, over or underneath the surface of any public street, sidewalk or other public place in the city; or construct or maintain any structure thereon, bridge thereover, or tunnel thereunder; or disturb the sidewalk, curb or roadway on a public way; or use the space beneath any public way for the purpose of constructing, reconstructing, extending or maintaining any vault, cellar, areaway, structure, coalhole, trapdoor, stairway, elevator or other opening; or install or use any appurtenances thereto; without first obtaining a permit therefor from the ~~board of public works~~, after approval by the director of public works of such proposed construction division of compliance.

Sec. 645-543. Permit not to be issued for permanent obstructions.

(a) No person shall build or place, or cause or permit to be built or placed, any stand, window, stairway, porch or other structure or obstruction of that type, designed for private use or business purposes, which extends into, over or on the street and sidewalk adjoining such premises, and which is owned or controlled and used by him, when such structure is permanent in character and occupies or uses any portion of the surface of the street.

(b) Any existing structure or obstruction prohibited by subsection (a) shall be removed when so ordered by the city, or the city may remove it at the expense of the owner.

(c) All applications for permits required by this division to build any structure of the type prohibited by subsection (a) shall be refused and rejected by the ~~board of public works~~ division of compliance. Temporary structures on the streets may be so located for special occasions and uses when permitted by the ~~board~~ division, subject to removal at any time on its order.

Sec. 645-544. Application for permit; approval.

An application for a permit required by this division shall be accompanied by any plans and specifications required by the ~~director of public works~~ division of compliance and by a sketch or diagram showing the gross measurements of the vault, bridge, tunnel or other structure to be constructed or changed, together with all openings in and uses of the surface over the proposed use and any other proposed changes in the existing use of the street to public place. The sketch or diagram and any plans and specifications shall be approved by the ~~board of public works and the director of public works~~ division of compliance before a permit is issued or any such work is commenced.

Sec. 645-545. Bond.

(a) Each applicant for a permit required by this division shall file with his application a public liability bond in the minimum sum of five thousand dollars (\$5,000.00) for injury to one (1) person, fifty thousand dollars (\$50,000.00) for injuries to more than one (1) person, and two thousand dollars (\$2,000.00) for damage to property, with surety to be approved by the ~~board of public works~~ division of compliance.

(b) The surety on the bond required by subsection (a), if a natural person, shall own property in the aggregate value, over and above all encumbrances thereon, of twice the sum fixed in the bond.

(c) The bond shall be duly executed and shall be conditioned upon the agreement that the person to whom the permit is issued and his heirs, personal representatives, successors or assigns will save and keep the city free and harmless from any and all loss, damage, claims, demands, judgments and expenses arising from or out of the granting or use of such permit, or the construction or use of the space, structure, bridge, tunnel, vault, coalhole, trapdoor, stairway, elevator or other opening therein, or of any other structure or use maintained in connection therewith, and that the permittee will at all times maintain the public way or place, including the sidewalk over any such space or opening, as the case may be, and all structures built by him, in such condition that the public way or place and such structures at all times during the construction or repairs, or after any of the things aforesaid are completed, or such space is so used, will be maintained by him in good condition and repair and safe for public traffic and use; conditioned further for the prompt vacation and removal of any of the things so constructed and used, as authorized by the permit, and the restoration of such sidewalk and street, upon thirty (30) days' notice from the ~~board of public works~~ division of compliance, whenever in the opinion of the ~~board~~ division and unless otherwise inhibited by statute, it shall be necessary or advisable to have the use or any portion thereof vacated or removed in order to conserve the public safety or welfare, or to provide for the use of the space or any portion thereof for any public purpose, or for the use of any public utilities, or because of the construction of railway lines, wires or tracks, or of a subway or elevated structure for transportation purposes either on, under, over or adjacent to the public way or public place in which any privately used space or structure is located, or for the purpose of constructing, reconstructing, moving, erecting or maintaining any sewer, drain, conduit, pipe, tube, pole, wire, structure or other similar use because of the construction of such a subway, or elevated structure, or for any public use or any other public utility purposes; and conditioned further that the bond will be renewed and kept in full effect, with an approved surety, and a certificate of such fact kept on file with the ~~board of public works~~ division of compliance, so long as any private uses and structures are continued, and for the faithful performance and observance of all the terms and conditions of the permit and bond and of the various sections of this division and all other provisions of this Code and state law relating thereto.

(d) The bond required by subsection (a), if and when placed of record in the office of the county recorder, or respecting any person with actual notice thereof, shall constitute a covenant running with the land, and it shall be deemed and construed to include all the aforesaid conditions, regardless of their inclusion in or omission from the text of any such bond.

(e) Whenever the ~~board of public works~~ division of compliance determines that the sureties on any bond given pursuant to this section have become insufficient and so notifies the holder of the permit or his successor, a new bond for the permit shall be filed, or new sureties substituted, to be approved by the ~~board~~ division. Unless so filed within the time fixed by the ~~board~~ division, the permit shall be revoked and all uses and rights thereunder shall be terminated.

Sec. 645-546. Restrictions on permits for subsurface uses.

No permit required by this division shall be issued for the private use by any person of any space under the surface of the roadway and between the curblines of any improved public way or public place; such spaces shall be reserved exclusively for any necessary use of any such space by public utilities or public authorities. Any such existing uses under any roadways in the city may be vacated and removed by order of the ~~board of public works~~ division of compliance, whenever in its discretion the public safety and welfare so require.

Sec. 645-547. Exception to restriction.

Notwithstanding the provisions of sections 645-512 or 645-546, the ~~department of public works~~ division of compliance may permit Ogden Martin Systems of Indianapolis, Inc., to establish a steam line within the public right-of-way on Harding Street from one thousand (1,000) feet south of Raymond Street to Kentucky Avenue.

Sec. 645-548. Permit fees.

Fees for a permit required by this division shall be based upon the character of the use and the number of cubic feet occupied by the vault, space or other structure located on, under or above the surface of the public way or public place for which a permit is to be issued, and shall be determined as uniformly as practicable by the director of public works, varying from a minimum fee of five dollars (\$5.00) for the issuance of each permit, plus additional fees varying from a minimum of ten dollars (\$10.00) to a maximum of two hundred dollars (\$200.00). The board of public works may fix such fees in each instance, or may adopt a general schedule for the various classes of fees, based upon engineering and construction costs in the city for similar kinds of work. No additional permit fees shall be charged, except where a new permit is required for the use of additional space, for minor alterations in the construction of or changes in any structure, coalhole, elevator or other opening, or variations in the plans, but not affecting the surface of the way, which were not enumerated in the original permit, if the board of public works approves such changes and waives further fees, or where the party to whom the original permit was issued has transferred his interest to another party as provided in this division. In case of such a transfer, however, the purchaser of the interest shall pay to the controller an additional five dollars (\$5.00) for the issuance of a transfer of the permit.

SECTION 33. Section 645-553 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 645-553. Revocation of permits.

(a) All permits issued pursuant to this division shall be at all times subject to revocation, in whole or in part, by the ~~board of public works~~ division of compliance, whenever the ~~board~~ division, on its own motion or upon the recommendation of other city or state officials, shall consider it necessary or advisable to have any vault, space, opening or other use of any street authorized by any such permit, or any other use, to be removed and vacated in order to secure the public safety or so that it may be used for any public purpose, including uses by any public utilities, or because of the construction or maintenance of a subway or elevated structure for transportation purposes in, under or near the public way or public place in which the vault, space, opening, bridge or tunnel is located, or other use made of any street, or for the purpose of moving, constructing or maintaining rails, sewers, mains, conduits, pipes, tubes, wires, poles or other structures of any kind, because of the construction or maintenance of the subway or elevation for transportation purposes, or for any other public utility uses.

(b) No permit shall be issued under this division, except under the condition and the agreement of the party to whom the permit is issued that the vault or space, wherever so located, or any portion thereof, and all or any appurtenances thereto, or any other uses so required to be used for such public purposes, shall be vacated and removed within thirty (30) days after the ~~board of public works or the director of public works~~ division of compliance shall have given notice of revocation of the permit to continue such prior and existing uses, and that in case such party fails to vacate the space, vault or other use, or such portions thereof as are specified in the notice, the ~~board~~ division of compliance may revoke the further use and maintenance thereof and may cause the use to be vacated and removed and made secure, as ordered, at the expense of the party to whom the permit was issued, or it may enjoin and abate the use by appropriate action, and all expenses incurred or damages or judgments incurred or paid by the city, on account thereof shall be borne by such party and shall be paid to the city upon demand, or be recovered by action thereon.

(c) If any person who has secured a permit pursuant to this division shall fail or neglect to comply with any of the terms of this division or this Code at any time, the permit may be revoked by the ~~board of public works~~ division of compliance or by the mayor, and it shall be revoked by the ~~board~~ division of compliance in

all cases, unless otherwise provided by law, where the ~~board~~ division, in the exercise of its discretion, has determined that such revocation is proper or necessary for the public safety or welfare.

SECTION 34. Sections 645-555 through 645-560 of the "Revised Code of the Consolidated City and County," inclusive, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 645-555. Protection of underground utilities; restoration bond or deposit.

(a) No person shall use or alter the space under any sidewalk, street or public place in such a manner as to damage or interfere with any sewer, water pipe, conduit, wire or any other work or structure lawfully installed in the public way by any public authority or public utility, unless by the express consent of the ~~board of public works or other appropriate board~~ division of compliance after consultation with the engineering division of the department of public works, and of any such utility, under the conditions prescribed by them.

(b) No permit required by this division shall be granted until any utility affected has been notified and the applicant therefor has executed an approved indemnity bond or has paid to the ~~board of public works~~ division of compliance a sum of money which it deems sufficient to defray the cost and expense to the city and to any utilities affected by renewing, rebuilding, relocating or relaying all or any of such facilities so disturbed, and making the necessary connections therewith, if the holder of the permit fails to do so as approved by them.

(c) Every person damaging, altering or disturbing any underground utilities shall restore them at his expense and within the time fixed by the ~~board of public works~~ division of compliance to such condition as they were in prior thereto and as will meet the approval of the ~~board~~ division of compliance and of any such public utilities; and if and when so restored, the sum so paid to the ~~board~~ division of compliance or any balance unused shall be refunded. If the permittee fails to restore such underground facilities, the ~~board of public works~~ division of compliance shall cause them to be restored in a manner meeting its approval and that of such utility and the cost thereof shall be paid out of the deposit. If such cost exceeds the deposit, the person shall pay forthwith to the city any such excess.

Sec. 645-556. Procedure upon conveyance of premises.

(a) Any person to whom a permit has been issued pursuant to this division or who has given a bond for the occupation and use of space under, on or above any public way, place or sidewalk pursuant to a permit or a resolution of the ~~board of public works~~ division of compliance, and who has conveyed his interest in the premises for which the permit is issued, shall notify in writing the ~~board and also the director of public works~~ division of compliance of such conveyance, together with the name and address of the purchaser thereof.

(b) Upon giving the notice required by subsection (a), the person or his successor may secure from the ~~board of public works~~ division of compliance, on the recommendation of the ~~director of public works~~ administrator of such division, a permit to remove or close up any coalhole, stairway, elevator, structure, bridge, tunnel, opening or any other use maintained on, below or above the sidewalk or public way, and to restore the place and public way to a condition similar to the balance of the sidewalk, street or public place in front of the premises. Upon completion of the work, subject to the approval of the ~~board of public works and the director of public works~~ division of compliance, all liability under the bond theretofore given by such person shall cease and determine, except as to any acts happening or causes of action accruing prior to or during the removal or closing of all such openings or structures. If, however, the purchaser shall pay the permit transfer fee provided for by this division and also shall execute a new bond conditioned as aforesaid, a permit may be issued to the purchaser covering the continued use of and changes in the permitted use specified in the original permit, and it shall not be necessary in such event for the person to whom the original permit was issued to close up the opening or to terminate the use, but the filing of the new bond and the securing of a new permit by the purchaser shall act as a release of the original permittee for any future liability under the bond originally given by him, in like manner as if the opening had been closed or other things had been done by him according to the approval of the ~~and the board of public works~~ division of compliance, except as to any causes of action accruing prior to the filing of such new bond.

(c) A bond may not be required to be filed, in the discretion of the ~~board of public works~~ division of compliance, in cases where there are to be no further uses of any such structures and no openings of any kind are to be left and to remain in the sidewalk over the subsidewalk space, or where the vault used in connection with any opening does not exceed fifteen (15) feet in depth and the sidewalk over it is supported at all times as approved by the ~~director of public works~~ administrator of the division of compliance.

Sec. 645-557. Substitution of permit and bond.

Whenever any person holding a contract and permit issued pursuant to this division, which permit has been issued under the terms of any resolution of the board of public works previously in force, the conditions of which have been and are now being fully complied with, shall apply for a new permit under this division and shall desire to have the permit or contract previously entered into canceled, the ~~board of public works~~ division of compliance, upon issuing a new permit and approving a new bond, may cancel the old permit and bond as to any liability thereunder arising after the date of the issuance of the new permit and bond, but the prior contract and permit, and the bond given therewith, shall all remain in full force and effect as to all rights, obligations and liabilities accruing thereunder, including all amounts due the city for fees or anything else under the permit and bond up to the time of such cancellation.

Sec. 645-558. Protection of openings.

(a) Every opening for access to and use of any vault, coalhole, chute or other aperture which is made in the sidewalk over such subarea for the use of the premises, other than fixed gratings used only for light and air, shall be covered with a substantial, heavy iron lid or cover, having a rough surface and so placed, seated and maintained as to cover such opening and remain securely therein at all times when not removed for use of the area beneath. The entire construction of such coalholes, vaults and covers therefor shall be subject to the continued inspection, supervision and orders of the ~~board of public works and the director of public works~~ division of compliance so as to secure the safety of the public when passing over such covers and places.

(b) No person shall remove or place and leave insecurely, or cause, procure or permit to be removed or to be insecurely placed or left, so that it can be moved in its flange or seat or so as to tilt when stepped upon, any cover of any coalhole, vault, chute or other opening in or under any public way or public place. However, nothing in this subsection shall prevent the owner or occupant of the building with which such coalhole, vault, chute or opening is connected from removing the cover at any time for the proper purpose and use of such opening, either for repairs thereto or for removing or delivering anything therein, in case he then encloses and guards the opening or aperture and keeps it enclosed and guarded with a strong box or barrier at least twenty-four (24) inches high, firmly and securely made, and also places and maintains lights, when dark, as required for work on streets. During deliveries of anything through such opening, or during repairs thereto, some person shall remain stationed thereat to safeguard the same at all times while the cover is removed, and unless there at all such times, the cover shall be replaced.

(c) It shall be unlawful for any person owning or using any coalhole or vault, or any sidewalk lift, outside stairway, chute or other opening in any public sidewalk, to allow it to remain uncovered or opened, except while being repaired or while it is actually being used for the purpose of entrance or exit, or for the purpose of introducing or removing any article through such opening, and except while protected or guarded.

Sec. 645-559. Remedial action for structural safety.

Whenever any coalhole, vault, chute or elevator in or under any sidewalk, or any aperture constructed in any sidewalk for such use or any other purpose, is not covered or secured as required by this division or, in the opinion of the ~~board of public works or the director of public works~~ administrator of the division of compliance, is unsafe or inconvenient for public travel; or when any other type of such structures referred to in this division, located on, beneath or over any public way or place, becomes unsafe, the ~~board~~ division of compliance may order the opening to be placed in a safe condition as approved by it ~~and by the director of public works~~. If the repairs are not done within the time prescribed by such order, the ~~board~~ division of compliance may refer the matter to the department of public works to make the repairs and changes or, if necessary, may to remove the opening, and the expense thereof shall be charged against and collected from such owner or person in possession of the premises and of such appurtenances and accessories thereto.

Sec. 645-560. Care of sidewalks.

Every person using any portion of the space under any sidewalk shall at all times keep the sidewalk securely supported and in good condition and repair in any portions connected with the subsurface uses, and clear and free from all dirt, filth or other obstructions or encumbrances arising from such uses. All repairing and cleaning shall be done in accordance with the regulations of the board of public works or other city authorities, and the ~~board~~ division of compliance may ~~order the revocation of~~ revoke the permit for failure to comply with any provision of this section.

SECTION 35. Sections 645-571 through 645-577 of the "Revised Code of the Consolidated City and County," inclusive, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 645-571. Definitions.

For the purpose of this division, the following words shall have the definitions ascribed to them in this section.

Department means the department of public works.

Division of compliance means the division of compliance of the department of metropolitan development.

Encroachment means an intrusion by an inanimate object on, under, over, or upon the public right-of-way. However, the following intrusions shall not be deemed to be an encroachment:

- (1) Motor vehicles, bicycles, and similar devices that are regularly moved from place to place;
- (2) Landscaping for which a permit has been secured pursuant to Chapter 701 of this Code;
- (3) Temporary signs advertising the sale of real estate that comply with zoning restrictions;
- (4) Pipes, conduits, wires, fiber optic lines, antennae, poles, ducts, and other like fixtures and appurtenances that are owned and used by a public utility and that are used in connection with transmitting, receiving, distributing, offering, and providing utility services and which are registered in accordance with Chapter 645 of this Code; and
- (5) Pipes, conduits, wires, fiber optic lines and other like fixtures and appurtenances that are owned by the landowner and are used to receive utility services from a public utility or from the City of Indianapolis.

If one (1) or more encroaching objects are attached to and from a part of the same structure or thing, taken collectively, they shall be considered as only one (1) encroachment.

Sec. 645-572. Jurisdiction; all encroachments regulated.

(a) The ~~department of public works~~ division of compliance has the authority to license any encroachment.

(b) All encroachments are regulated by this division, including types of encroachments that are exempted by a regulation adopted under section 645-581 from the requirement that a written license document be secured.

(c) Notwithstanding the preceding portions of this section, an encroachment of more than one (1) year may not be licensed if said encroachment is subject to the grant of a franchise as authorized elsewhere in this Code or is the subject matter of a lease or operating agreement between the city and a third party.

Sec. 645-573. When license required.

No person shall maintain any encroachment without first:

- (1) Having received a written license document therefor from the ~~department of public works~~ division of compliance in accordance with the provisions of this division; or
- (2) Complying with the provisions of section 645-581 for a license allowed without documentation.

Sec. 645-574. Petition for license.

Any person who desires to maintain an encroachment shall file a petition with the ~~department of public works~~ division of compliance on such forms as the ~~department of public works~~ division of compliance may prescribe, requesting that the ~~department~~ division approve a license permitting the encroachment, specifically identifying the property or properties affected, and outlining the circumstances giving rise to the need for the license.

Sec. 645-575. Investigation of petition; recommendation as to license.

(a) Upon the filing of a petition for a license required by this division, the ~~department of public works~~ division of compliance shall cause an investigation of the request and of the circumstances enumerated in such

petition to be made. Upon completion of the investigation, such ~~department~~ division shall either grant or deny the license and if granted, specify the term and conditions of the license.

(b) No person (even a person who holds property rights in the right-of-way or in property abutting the right-of-way) has any property right to an encroachment license.

Sec. 645-576. Conditions of license.

(a) In granting any license under this division, the ~~department of public works~~ division of compliance may attach such reasonable conditions to the license as it determines to be in the interest of the public health, safety and welfare.

(b) No property right vests in the holder of an encroachment license through the granting of the encroachment license, irrespective of the length of the term of the license. The holder of the encroachment license has no property right to the continued existence of the encroachment license or the renewal of the license.

Sec. 645-577. Term.

All license documents issued by the ~~department of public works~~ division of compliance, unless granted for a lesser determinate period, may be for a term of up to twenty (20) years dating from the date of their issuance.

SECTION 36. Sections 645-579, 645-580 and 645-581 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 645-579. Application and license fees.

(a) Each petition to maintain an encroachment shall be accompanied by an application fee of one hundred dollars (\$100.00).

(b) In case of a petition for a license required by this division which requests the placing of more than one (1) movable encroachment of the same kind at various locations within the city, one (1) petition may be made to cover more than one (1) similar encroachment.

(c) If the ~~department of public works~~ division of compliance determines that a valuable consideration will be received by the city as a result of the encroachment, the ~~director administrator~~ of the ~~department of public works~~ division of compliance may waive the license fee provided in this section. Except for the waiver of license fees for individual newsracks under Article VIII of this chapter, the waiver shall be supported by a written finding identifying the consideration and indicating its value to the city.

Sec. 645-580. Enforcement.

In addition to and not by way of limitation of any other provision of this division, the ~~department of public works~~ division of compliance is authorized and empowered in behalf of the city to enforce this article by any appropriate remedy at law or in equity, or both, in order to effectively and affirmatively preclude any violations hereof.

Sec. 645-581. Content of regulations.

The board of public works may, at its discretion, in accordance with the procedures specified in Chapter 141 of the Code, adopt regulations deemed necessary and appropriate to carry out the provisions of this division, including, but not limited to, regulations establishing:

- (1) A procedure for filing a license petition;
- (2) Types of encroachments for which a license is allowed without documentation; such encroachments shall be limited to those that have only a minor effect on the use of the right-of-way and can be installed without blocking any portion of the street; regulations establishing these types of encroachments shall, without limitation, provide:
 - a. That such encroachments are automatically licensed as they exist on the effective date of the regulation if they are created in compliance with the requirements and standards specified by the regulation; and

- b. With automatic licensure it is not necessary for the encroachment owner to file a petition for an encroachment license or receive a license document to be licensed under this regulation; and
- c. The length of the term or terms of such encroachments;
- (3) A procedure for amending or renewing a license;
- (4) Standards and requirements for construction or use of encroachments; and
- (5) A procedure for securing a variance from license standards and requirements. If the regulation authorizes the variance to be granted by ~~an official~~ the administrator of the ~~department of public works~~ division of compliance, it shall provide for an appeal of the decision to the ~~board of public works~~ director of the department of metropolitan development.

SECTION 37. Section 645-583 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 645-583. Termination of encroachment license; removal of an encroachment.

(a) The ~~department of public works~~ division of compliance may at any time terminate an encroachment license, whether the encroachment is based on a written document issued by such ~~department division~~ or allowed without documentation. The owner shall be responsible for removing such an encroachment. The city shall not be responsible for any costs related to the termination of the encroachment privilege; for example, the city shall not be responsible for the cost of removal of the encroachment or any diminution of value of the owner's property associated with the removal. Such department shall allow the owner sixty (60) days to remove the encroachment. However, if the terms of the encroachment license document specify a shorter or longer period removal time, the specified time shall be allowed for removal.

(b) If the owner does not remove an encroachment within the time allowed under section 645-583(a), the ~~department of public works~~ division of compliance may, without further notice, remove forthwith said encroachment and shall be entitled to recover its costs and expenses, including without limitation, reasonable attorney fees.

SECTION 38. Sections 645-601 through 645-607 of the "Revised Code of the Consolidated City and County," inclusive, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 645-601. Applicability of state statutes.

Whenever any of the matters relating to improvements, under private contract, of sidewalks, driveways or curbs, or the connection of private premises with public sewers and public utility service lines, and the control thereof by the ~~board of public works~~ division of compliance or by any other board are covered and controlled in all respects by any state statute, all such work so controlled shall conform to and all proceedings shall be governed thereby, but may also be supplemented by this Code. However, if and whenever any such statutes are repealed or amended so as not to cover all such matters or part thereof, then the provisions applicable to the matters set out in this chapter or other city ordinance shall be thereupon revived and again become effective in all or any of such matters, whether or not such statutory provisions, as herein incorporated by reference thereto, continue in effect for that purpose.

Sec. 645-602. Permit required; standards generally.

No person, including governmental bodies other than the city, shall cause any public way in the city to be altered, paved, widened, reconstructed or resurfaced without first obtaining a permit therefor from the ~~board of public works~~ division of compliance, which permit may be issued by the ~~director of public works~~ division of compliance upon payment of the required fees. Such improvement shall conform to the established highway grades and to the standard plans and specifications for that kind of work, as adopted by the board of public works, and shall be subject to the approval of the ~~director of public works and the board of public works~~.

Sec. 645-603. Duty of abutting owners to connect with subsurface utilities.

It shall be the duty of owners of property abutting on a street or public place, which is to be permanently improved, repaired or altered, to provide for, install and make private connections for the use of their premises with an existing or for a later sewer or drain laid in the street, with all water, gas and other like types of public

utility services, and make all necessary repairs, extensions, relocations, changes or replacements thereof, and of any accessories thereto. Such owners shall bring the utilities from the places of connection in the street or public place to points within the curb or roadway line and up to the property line of the street or public place, in such manner and time as the ~~board of public works~~ division of compliance shall designate, order and require, as in instances of such improvements by the city itself.

Sec. 645-604. Manner of doing work generally; bond.

All work subject to this article shall be done in all respects in the manner required when such work is done by or for the city, except for the requirement of bids for the contract, and shall be completed within thirty (30) days after the confirmation of any resolution by the board of public works, or the letting of any private contract, unless the time is extended by order of the board of public works. A performance and maintenance bond, as required by this chapter for excavations, shall be executed to the city by any person doing such work himself or under private contract, and any person doing the work in any manner shall also agree to indemnify the city and all other persons against all damages, losses, claims, judgments and expenses arising from such work.

Sec. 645-605. Duty to inspect, report and repair defects in public ways.

(a) ~~The director of public works, in performing his duties under the direction of the board of public works, division of compliance shall inspect and repair the streets, sidewalks and public places of the city, and the department of public works shall repair and maintain them the streets, sidewalks and public places of the city~~ in a reasonably safe condition so far as the extent thereof and the facilities available therefor render practicable, to promote the security of those who travel over them by foot and vehicles, in the usual and accustomed modes and while themselves exercising reasonable care. It shall also be the duty of all city police officers and firemen to observe all streets, sidewalks, bridges and other public places over which they pass in the course of their duties and to make a record of and report promptly to the city traffic captain all defects and dangerous conditions they observe, and the traffic captain shall promptly report such findings in writing to the ~~board of public works~~ division of compliance.

(b) ~~The board of public works, by and through the director of public works, division of compliance and the department of public works~~ shall keep suitable persons employed, as the appropriations therefor permit, who respectively shall inspect, and cause to be repaired, dangerous or material defects and places on the streets, sidewalks, bridges and all other public places discovered by or reported to them. Any defective public ways of any kind reported to the ~~board~~ department of public works or coming to its knowledge shall be repaired in a reasonable time; however, there shall be no duty, except when so ordered or when the need is evident, on the part of the ~~board~~ department of public works and the city employees to repair every slight and trivial defect, uneven place and crack in the pavements, sidewalks, or portions of any street, or public place, which appear unlikely to cause injuries, but they shall use due diligence to remove all such defects and repair all such portions of the public ways and places known by them or reported to them which are reasonably sufficient in kind and extent to be dangerous for the general public in traveling over the same in the usual and accustomed modes while using their own faculties with due care.

(c) ~~All departments and officials of the city shall exercise the powers and duties enumerated in subsections (a) and (b) in places under their jurisdiction and control.~~

Sec. 645-606. Barricading streets under construction or repair.

(a) It shall be lawful for any person employed by the city or for any contractor who is engaged in the construction, repair, paving, repaving or any other authorized work on any street or public place in the city to place proper barricades across the street and to close all or any portions thereof for the purpose of protecting the public and preserving the surface of the pavement, which is being or is about to be constructed or repaired, until the work is completed and safe and suitable for the public use thereof.

(b) Barricades permitted by subsection (a), and, when dark, lights, shall be placed thereat; all to be maintained by the person doing the work, as provided in this Code for other work upon the public streets or places.

(c) All barricades authorized by subsection (a), when the work is fully completed, shall be removed by the person who placed them on the street, or by employees of the city or the contractor, as soon as practicable and without notice; or shall be removed immediately upon order of the ~~director of public works~~ division of compliance.

(d) No person, without the written consent of the ~~director of public works or his representative~~ administrator of the division of compliance, who is supervising street construction, repair or other work shall

throw down, displace, damage, tamper with or remove any barricade or light placed in position during the process of such work.

(e) No person, without being so authorized by a person supervising work subject to this article, while barricades are in place during the progress of the work, shall drive through, around or against such barricades, nor shall any pedestrian walk over or around them; nor shall any person do any act to damage the freshly laid pavement or mar the surface thereof in any way, or interfere with such work, materials or equipment.

Sec. 645-607. Sidewalks.

(a) No person shall remove, construct, reconstruct, establish, alter or repair any sidewalk within the city under a private contract, without first obtaining a permit therefor from the ~~board of public works~~ division of compliance and paying the required fees, as authorized by this Code. Any person desiring a permit required by this subsection shall first submit plans and specifications therefor to the ~~director of public works~~ division of compliance, who may either approve the plans and specifications or require them to be altered, after which the owner or contractor shall apply to the ~~board of public works~~ division of compliance for the permit for such work.

(b) A performance and maintenance bond, as required for excavations in streets, shall be required of any person doing such work, and he shall agree to indemnify the city and all other persons, as required for street improvements. In all instances, the ~~board of public works~~ division of compliance may require such permittee to carry a sufficient public liability insurance policy in such amount as it determines to be necessary to protect the public, as a condition to issuing any permit under subsection (a).

(c) No sidewalk shall be constructed, reconstructed, altered or repaired so as to prevent free and unobstructed passage thereon for any longer than necessary, or in such manner as to interfere with the proper drainage and grading of the street.

(d) All such work shall be subject to the approval of the ~~director of public works and to the acceptance of the board of public works~~ division of compliance after consultation with the engineering division of the department of public works, and to further orders thereon. All matters of procedure pertaining thereto, as now or at any time provided for by statute, shall be followed so far as applicable, and are hereby adopted by this reference thereto as a part of this subsection, to continue, in the event any such statutes should be amended or repealed without continuing such or similar provisions.

(e) Any person causing a sidewalk to be built, constructed, reconstructed, altered, repaired or used contrary to such plans and specifications, as approved, or in violation of any provision of this chapter, or of state law, upon conviction therefor, may be fined as provided generally for violations of this Code; also, such work may be ordered to be suspended and to be constructed or reconstructed at such person's expense.

SECTION 39. Section 645-815 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 645-815. Attachment of individual newsracks to the public rights-of-way; encroachment license required.

(a) Each individual newsrack which is located in the Regional Center on January 1, 2001, or thereafter shall be bolted or attached permanently to the public rights-of-way in such a manner as to meet American Society of Civil Engineers (ASCE) wind load calculations, as evidenced by a certified engineer's report, including calculations and a certified engineer's drawing defining and/or illustrating the method of attachment to be used to meet or exceed a maximum of one hundred ten (110) mile per hour wind velocity.

(b) Each individual newsrack which is bolted or attached permanently to the public rights-of-way shall be licensed as an encroachment under the provisions of Article V, Division 3 of this chapter; however, because the city receives a valuable consideration from all such newsracks, the ~~director~~ administrator of the ~~department of public works~~ division of compliance shall waive the encroachment license fees for such newsracks, as provided in section 645-579 of this Code.

(c) Within ten (10) days after the owner of an individual newsrack files a petition for an encroachment license under Article V, Division 3 of this chapter, the ~~department of public works~~ division of compliance shall complete its investigation and issue to the owner either the license, or a written notice of denial. A petition for an individual newsrack encroachment license may be denied only for the reason that:

- (1) The petition for the license contains incorrect information; or
- (2) The placement of an individual newsrack on the public rights-of-way, as requested in the petition, does not comply with this division.

If such ~~department~~ division of compliance denies an encroachment license petition for an individual newsrack, the written notice shall state the specific reasons for the denial, and what specific actions, if any, would be necessary for the license to be issued.

(d) An appeal under section 645-578 of this Code with regard to an individual newsrack encroachment license or petition therefor shall be heard within twenty (20) days following receipt of the appeal, unless the parties mutually agree to an extension of this time period. The parties shall be given at least ten (10) days advance written notice of the time and place of the hearing, and a reasonable opportunity to participate in the hearing. The board of public works shall render its decision in writing within five (5) days after the hearing; a copy of the decision shall be delivered to the parties, and a certified copy shall be kept on file by the secretary of the board of public works. The decision of such board may be appealed to a court of competent jurisdiction within thirty (30) days following the date the decision was issued, and such court, pursuant to its rules of procedure, shall provide the opportunity for a prompt hearing and prompt decision by a judicial officer. Failure to file an appeal within the time period provided by this subsection shall constitute a waiver of the right to appeal.

(e) Within five (5) days following the expiration of an encroachment license for an individual newsrack, the owner shall remove the newsrack and cause any necessary restoration or repair of the public rights-of-way to be made.

SECTION 40. Section 671-2 of the "Revised Code of the Consolidated City and County" hereby is amended by the addition of the language which is underscored, to read as follows:

Sec. 671-2. Definitions.

As used in this chapter the following terms shall have the meanings ascribed to them in this section unless the context specifically indicates otherwise:

ASTM shall mean the American Society for Testing and Materials.

Accidental discharge shall mean an unintentional release of a material that could potentially violate the requirements of section 671-4(c), (d) or (e).

Act shall mean the Federal Water Pollution Control Act, as amended as of January 1, 1995, 33 USC 1251 et seq., also known as the Clean Water Act or CWA.

Administrator shall mean the Regional Administrator of Region V, U.S. Environmental Protection Agency or Commissioner of the Indiana Department of Environmental Management or its successor, provided such state agency has a pretreatment program approved by the EPA.

Applicable pretreatment standard shall mean, for any specified pollutant, the city's prohibitive discharge standards, the city's specific limitations on discharges, the State of Indiana pretreatment standards, or the federal general or categorical pretreatment standards (when effective), whichever standard is most stringent.

Approval authority shall mean the administrator.

Authorized representative of industrial user shall be:

- (1) A responsible corporate officer if the industrial user is a corporation. A responsible corporate officer shall mean:
 - a. A president, vice-president, treasurer or secretary of the corporation in charge of a principal business function or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. A manager of one (1) or more manufacturing, production or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.00) (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to such manager in accordance with corporate procedures.

- (2) A general partner or proprietor if the industrial user is a partnership or sole proprietorship, respectively.
- (3) For a municipality, state, federal or other public agency, by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
- (4) An individual duly authorized by the person designated in subsection (1), (2) or (3) above, provided:
 - a. The authorization is made in writing by the individual described in subsection (1), (2) or (3) above;
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates, such as the position of plant manager, plant engineer, superintendent, or a position of equivalent responsibility or having overall responsibility for environmental matters for the company; and
 - c. The written authorization is submitted to the city.

Board shall mean the board of public works.

BOD (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, expressed in milligrams per liter.

Building drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from solid waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Building sewer shall mean the extension from the building drain to the public sewer or other place of disposal and shall include that portion of the drain within the public right-of-way.

Categorical pretreatment standard shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act which apply to a specific category of industrial user.

City shall mean the consolidated City of Indianapolis, Indiana.

City sewer shall mean a sewer owned and operated by the city.

Combined sewer shall mean a sewer receiving both surface runoff and sewage.

Composite sample shall mean a twenty-four-hour composite sample. Samples may be done either manually or automatically, and continuously or discretely, with not less than twelve (12) samples to be composited.

Cooling water shall mean the water discharged from any use such as air conditioning, cooling or refrigeration or to which the only pollutant added is heat.

Council shall mean the city-county council of Indianapolis, Marion County, Indiana.

Department shall mean department of public works, City of Indianapolis.

Direct discharge shall mean the discharge of treated or untreated wastewater directly to the surface waters of the State of Indiana.

Director shall mean the director of the department of public works or his/her authorized deputy, agent or representative.

Division of compliance shall mean the division of compliance of the department of metropolitan development.

Discharge report shall mean any report required of an industrial user by section B.2. of the industrial discharge permit.

Domestic wastewater shall mean wastewater of the type commonly introduced into a POTW by residential users.

EPA shall mean the U.S. Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of such agency.

Foundation drains shall mean any network of pipes, pumps or drainage mechanism located at, near or under a footing, foundation or floor slab of any building or structure that intentionally or unintentionally conveys groundwater away from a building or structure.

Garbage shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

General pretreatment regulations shall mean "General Pretreatment Regulations for Existing and New Sources of Pollution," 40 CFR Part 403.

Grab sample shall mean a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

Heat pump discharge shall mean water discharged from a heat pump or other device that uses water as a heat source or heat sink.

Indirect discharge shall mean the discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the Act (33 USC § 1317) into the POTW (including holding tank waste discharged into the system).

Industrial surveillance section shall mean the industrial surveillance section of the department of public works.

Industrial user shall mean any user of the POTW who discharges, causes or permits the discharge of nondomestic wastewater into the POTW.

Industrial wastewater shall mean a combination of liquid and water-carried waste discharged from any industrial user's establishment and resulting from any trade or process carried on in that establishment, including the wastewater from pretreatment facilities and polluted cooling water.

Infiltration shall mean the groundwater entering the sewer system from the ground through such means as, but not limited to, defective or poorly constructed pipes, pipe joints, connections and manholes or from drainage pipes constructed to remove groundwater from areas such as building foundations and farm fields.

Inflow shall mean the stormwater and surface water entering directly into sewers from such sources as, but not limited to, manhole covers, roof drains, basement drains, land drains, foundation drains, cooling/heating water discharges, catch basins or stormwater inlets.

Interference shall mean any discharge which, alone or in conjunction with a discharge or discharges from other sources, both: (1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and (2) therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Lift station shall mean any arrangement of pumps, valves and controls that lifts wastewater to a higher elevation.

NH₃-N (denoting ammonia nitrogen) shall mean all of the nitrogen in water, sewage or other liquid waste present in the form of ammonia, ammonia ion or in the equilibrium $\text{NH}_4^+ \rightleftharpoons \text{NH}_3 + \text{H}^+$.

Natural outlet shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

New source shall mean any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act, which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- (1) The building, structure, facility or installation is constructed at a site at which no other source is located; or
- (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (3) The production or wastewater-generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.

Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of (2) or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.

Construction of a new source has commenced if the owner or operator has:

- (1) Begun or caused to begin as part of a continuous on-site construction program:
 - a. Any placement, assembly or installation of facilities or equipment; or
 - b. Significant site preparation work, including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment.
- (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Nonindustrial user shall mean all users of the POTW not included in the definition of "industrial user."

Pass-through shall mean a discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation.)

Person shall mean any individual, partnership, trust, firm, company, association, society, corporation, group, governmental agency including, but not limited to, the United States of America, the State of Indiana and all political subdivisions, authorities, districts, departments, agencies, bureaus and instrumentalities thereof, or any other legal entity or any combination of such.

pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Pollutant shall mean, but is not limited to, any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical materials, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water.

Pollution shall mean the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

POTW shall mean all publicly owned facilities for collecting, pumping, treating and disposing of wastewater, including sewers, lift stations, manhole stations and the wastewater treatment plants.

Pretreatment or treatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes or other means, except as prohibited by 40 CFR section 403.6(d).

Pretreatment standard or regulation shall mean any substantive or procedural requirement related to pretreatment contained in this chapter.

Process wastewater means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Properly shredded garbage shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

Public sewer shall mean any combined or sanitary sewer or lift station located within the public right-of-way or a dedicated easement and which is controlled by public authority.

Radioactive material means any material (solid, liquid or gas) which spontaneously emits ionizing radiation and which is regulated by the Nuclear Regulatory Commission (NRC) or the Indiana State Board of Health. This may include naturally occurring radioactive material, by-product material, accelerator produced material, source material or special nuclear material.

Sanitary district shall mean that area incorporated into the Marion County liquid waste sanitary district.

Sanitary sewer shall mean a sewer which carries sewage and to which stormwaters, surface waters and groundwaters are not intentionally admitted.

Sewage normally discharged by a residence shall mean the liquid waste contributed by a residential living unit and shall not exceed a volume of ten thousand five hundred (10,500) gallons per month, thirty (30) pounds of BOD per month, and thirty-five (35) pounds of suspended solids per month.

Sewer shall mean a pipe or conduit for carrying sewage.

Sewer work shall mean the connecting of any building sewer to a city sewer, the making of a significant alteration to or significant repair of a building sewer, the connecting of a building sewer to a building drain or the altering or repairing of a city sewer.

Shall is mandatory; *may* is permissive.

Significant industrial user (SIU) shall mean any industrial user which is:

- (1) A facility regulated by a national categorical pretreatment standard and generates a process discharge;
- (2) A noncategorical facility with a process wastewater discharge greater than an average of twenty-five thousand (25,000) gallons per day;
- (3) Any industrial user with a reasonable potential to adversely affect the POTW, its treatment processes or operations, or its sludge use or disposal or for violating any pretreatment standard or requirement; or
- (4) Any other industrial user deemed to be significant by the director on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement; or
- (5) Any other industrial user which contributes process wastewater which makes up five (5) percent or more of the dry weather average hydraulic or organic capacity of the POTW treatment plant.

Upon a finding that an industrial user meeting the criteria of paragraphs (2), (3), (4) and (5) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the director may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with 40 CFR § 403.8(f)(6), determine that such industrial user is not a significant industrial user.

Slug shall mean any discharge of wastewater which, in concentrations of any given constituent, as measured by a grab sample, exceeds more than five (5) times the allowable discharge limits as specified in this chapter and/or in quantity of flow exceeds more than five (5) times the user's average flow rate as authorized in the user's industrial discharge permit, for a period of duration longer than fifteen (15) minutes.

State shall mean the State of Indiana.

Storm drain or *storm sewer* shall mean a sewer which carries stormwaters and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Stormwater shall mean any flow occurring during or following any form of natural precipitation and resulting therefrom.

Suspended solids (SS) shall mean solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

Toxic pollutant shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of CWA §§ 307(a) or 405(d) or other acts.

Upset shall mean an exceptional incident in an industrial user's facility, in which there is unintentional and temporary noncompliance with applicable pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation.

User shall mean any person who contributes, causes or permits the contribution of wastewater into the city's POTW.

Wastewater shall mean a combination of the liquid and water-carried pollutants from residences, commercial businesses, institutions and industrial establishments, together with such groundwaters, surface waters and stormwaters as may be present.

Wastewater treatment plant shall mean any arrangement of devices and structures used for treating wastewater.

Wastewater works shall mean all facilities for collecting, pumping, treating and disposing of wastewater.

Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Abbreviations. The following abbreviations shall have the designated meanings:

BOD or BOD5:	Biochemical oxygen demand
CFR:	Code of Federal Regulations (July 1, 1994 edition)
COD:	Chemical oxygen demand
CWA:	Clean Water Act
EPA:	United States Environmental Protection Agency
G.O.:	General Ordinance
IC:	Indiana Code
IAC:	Indiana Administrative Code (as amended as of December 1, 1994)
IDEM:	Indiana Department of Environmental Management
ISBH:	Indiana State Board of Health
l:	Liter
mg:	Milligrams
mg/l:	Milligrams per liter
NPDES:	National Pollutant Discharge Elimination System
POTW:	Publicly owned treatment works
SIC:	Standard industrial classification
SS:	Suspended solids
SWDA:	Solid Waste Disposal Act, 42 USC § 6901 et seq.
TSS:	Total suspended solids
40 CFR 136:	"Guidelines Establishing Test Procedures for the Analyses of Pollutants"

SECTION 41. Section 671-22 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 671-22. Connection permits.

(a) *Permit required.* It shall be unlawful to cause or allow the repair, modification or connection of a building sewer to a public sewer or another building within the sanitary district without a valid sanitary sewer connection permit issued by the ~~department~~ division of compliance, and the fine imposed for a violation of this provision shall not be less than one hundred dollars (\$100.00) for each day the violation continues; the city controller shall cause any fines collected under this section to be deposited into an account for the use and benefit of the ~~department~~ division of compliance. Permits will not be granted for connections to sewers not dedicated and accepted in accordance with section 671-161 of this chapter. This shall in no way limit the issuance of a building permit ~~by the division of development services~~ subject to the approval of a sanitary sewer connection permit application ~~by the department of public works~~.

(b) *Minimum elevations for gravity connection.* A sanitary sewer connection permit will not be granted to homes or buildings where the lowest elevation to have gravity sanitary service is less than one (1) foot above the top of manhole casting elevation of either the first upstream or downstream manhole on the public sewer to which the connection is to be made. If the first upstream or downstream manhole is at a higher elevation due to the natural topography of the area, an alternate manhole will be selected for the purpose of determining this measurement.

(c) *Grease interceptors.* A grease interceptor meeting the requirements of the ~~department of fire prevention and building services~~ Indiana Fire Prevention and Building Safety Commission shall be installed in waste lines (building sewers) from establishments delineated in section 671-4(g). The design and location of the grease interceptor shall be submitted to the ~~department~~ division of compliance for approval.

(d) *Permit fee; refunds.* A fee per connection to the sewer shall be charged for a sanitary sewer connection permit. The board of public works shall establish the amount of such fee by regulation and may revise the amount of such fee but not more often than once each calendar year. The fee shall cover the costs of mandatory inspection by the ~~department~~ division of compliance of the building sewer and its connection, and any reinspection that may be necessary because of remedial construction. The permit fee paid under this article shall not be refunded except upon request and in instances where the permit was issued in error, either because it was not required by law, or because a permit for the same activity previously had been issued and was in force at the time the second permit was applied for and issued.

(e) *Modification of permit fee.* The board of public works may modify the fee for connection permits under a public improvement resolution or in the exercise of the department's general powers and duties to construct city sewers.

(f) *Applications.* An application for such connection permit shall be made on a form prescribed by the ~~director~~ division of compliance and may require the following information:

- (1) Name and address of the owner.
- (2) The name, address and telephone number of the contractor.
- (3) Address and, if necessary, the legal description of the premises where the work is to be done.
- (4) Plans for the building sewer and connections, which at a minimum must consist of drawing(s) of the building, the parcel boundaries, the connection detail, including grease interceptor connection detail where applicable, materials of construction and installation method.
- (5) Any other information as may be deemed reasonable and necessary by the ~~director~~ administrator of the division of compliance to carry out the provisions of this chapter.

(g) *Who may apply.*

- (1) Application for a sewer connection permit shall only be made by the following:
 - a. A plumbing contractor licensed by the state and registered in accordance with Chapter 875 of this Code.
 - b. A contractor (other than a plumbing contractor) who has met the surety bond and insurance requirements of the department of metropolitan development. Surety bond requirements are met if the building sewer contractor has filed and maintains with the city a surety bond, as set forth in Chapter 875 of this Code. Insurance requirements are met if the contractor has secured and maintains a public liability and property damage insurance policy as set forth in Chapter 875 of this Code.

- (2) The ~~department~~ division of compliance may deny permits to any applicant who is currently in violation of this chapter or any other applicable regulations.

(h) *Conformance with Indiana fire prevention and building safety regulations.* All sewer work and other construction actually performed on or associated with the building drain, building sewer and the connection of the building sewer to the public sewer shall be in accordance with the rules and regulations of the Indiana Fire Prevention and Building Safety Commission and standard specifications of the department of public works.

(i) *Expiration of permit by operation of law; extensions.* The connection permit shall expire by operation of law and shall no longer be of any force or effect if work is not initiated within one hundred eighty (180) days from the date of issuance of the permit. The ~~director~~ administrator of the division of compliance may, however, for good cause shown in writing, extend the duration of the permit for an additional period which is reasonable under the circumstances to allow commencement of the construction activity. In no event shall the extension exceed a period of sixty (60) days. If the construction activity has been commenced but only partially completed, and thereafter substantially no construction activity occurs on the construction site over a period of one hundred eighty (180) days, the permit shall expire by operation of law and no longer be of any force or effect; provided, however, the ~~director~~ administrator may, for good cause shown in writing, extend the validity of any such permit for an additional period which is reasonable under the circumstances to allow resumption of construction activity. The fee for an extension under this subsection shall be thirty dollars (\$30.00), and the extension shall be confirmed in writing.

(j) *Provisions of chapter supplemental to other construction ordinances.* This chapter shall not be construed as contravening any ordinances of the city relating to construction within public streets, roads or rights-of-way but rather shall be supplemental thereto.

(k) *Enforcement of bond.* Any action may be initiated in a court of competent jurisdiction relative to the bond provided for in subsection (g)(1)b. as follows:

- (1) The corporation counsel of the city may initiate proceedings to forfeit a bond:
 - a. As a penalty for repeated Code violations by a contractor, his agents or employees; or
 - b. To indemnify the city against any loss, damage or expense sustained by the city by reason of the conduct of the contractor, his agents or employees.
- (2) A person, partnership or corporation which holds a property interest in the real estate on which sewer work has occurred may bring an action against the bond for expenses necessary to correct code deficiencies therein after written notice of the code deficiency has been given to the contractor and after the contractor has been given a reasonable opportunity to correct performance. If such a person, partnership or corporation prevails in any action brought under this section, he may also be allowed by the court to recover as part of the judgment a sum equal to the aggregate amount of costs and expenses, including attorney's fees based on actual time expended as determined by the court to have been reasonably incurred by the plaintiff for or in connection with the commencement and prosecution of such action.

(l) *Variance procedure.* The ~~director~~ administrator of the division of compliance, after consultation with the engineering division of the department of public works, shall have the power to modify or waive any minimum sanitary sewer design standard found in this article or in any regulations promulgated by the board pursuant to section 671-15 of this Code, which pertain to permits issued under this article. The ~~director~~ administrator may grant such a variance if an applicant for a construction permit submits the request in writing and makes a substantial showing that:

- (1) A minimum sanitary sewer design standard or regulation is unfeasible or unreasonably burdensome; and
- (2) An alternate plan submitted by the applicant will achieve the same objective and purpose as compliance with minimum sewer design standards and regulations of the department.

If the ~~director~~ administrator fails to respond within twenty (20) days from receipt of a written request for modification or waiver, such request shall be deemed to be denied. An applicant may appeal to the board a decision of the ~~department~~ division of compliance which denies or partially denies a requested variance. The appeal of such a decision shall be filed with the board within twenty (20) days following the date of the decision. The board shall hear the request for the variance de novo, and in making a decision shall apply the standards set forth above.

(m) *Exemption relative to work accomplished by or for certain governmental units.* Permits as required by this section shall be obtained for sewer connection activity in the city accomplished by or for a governmental unit, and inspections relative to such sewer connection activity shall be allowed. Fees shall be required as specified by the board of public works, except for the following:

- (1) Sewer connection activity for which a fee cannot be charged by the municipality because of federal or state law; or
- (2) Sewer connection activity accomplished by a unit of local government, or by its employee or contractor in the course of such employee's or contractor's performance of duties for a unit of local government.

(n) *Notice of change in permit information.* After a permit has been issued, the permittee shall give prompt written notice to the ~~director~~ division of compliance of any addition to or change in the information contained in the permit application.

(o) *Amendment of permits and plans.* After a permit has been issued, any material deviation or change in the information contained in the permit application or the plans shall be considered an amendment subject to approval by the ~~director~~ administrator of the division of compliance. Prior to the time construction activity involving the change occurs, the permittee shall file with the ~~director~~ division of compliance a written request for amendment, including a detailed statement of the requested change and the submission of any amended plans. The ~~director~~ division of compliance shall give the permittee written notice that the request for amendment has been approved or denied, and if approved, copies of the amended application or plans shall be attached to the original application or plans. The fee for the amendment of a permit shall be thirty dollars (\$30.00). Reinspection fees and other fees which are occasioned by the amendment shall be assessed and paid in the same manner as for original permits or plans.

(p) *Transfer of permit.* A sanitary sewer connection permit may be transferred with the approval of the ~~director~~ administrator of the division of compliance to a person, partnership or corporation which would be eligible to obtain such construction permit in the first instance (hereinafter called "transferee"), after both the payment of a fee of thirty dollars (\$30.00) and the execution and filing of a form furnished by the ~~department~~ division of compliance. Such transfer form shall contain, in substance, the following certifications, release and agreement:

- (1) The person who obtained the original construction permit or a person who is employed by and authorized to act for the obtainer (hereinafter called "transferor") shall:
 - a. Certify under penalties for perjury that such person is familiar with the sanitary sewer construction activity accomplished pursuant to the construction permit; such person is familiar with the construction standards and procedures provided in this article; and to the best of such person's knowledge, information and belief the construction activity, to the extent performed, is in conformity with all standards and procedures provided in this article; and
 - b. Sign a statement releasing all rights and privileges secured under the construction permit to the transferee.
- (2) The transferee shall:
 - a. Certify that the transferee is familiar with the information contained in the original construction permit application, the design plans and specifications, and any other documents filed in support of the application for the original construction permit;
 - b. Certify that the transferee is familiar with the present condition of the premises on which the construction activity is to be accomplished pursuant to the construction permit; and
 - c. Agree to adopt and be bound by the information contained in the original application for the construction permit, the design plans and specifications, and other documents supporting the original construction permit application; or in the alternative, agree to be bound by such application plans and documents modified by plan amendments submitted to the director for approval.

The transferee shall assume the responsibilities and obligations of and shall comply with the same procedures required of the transferor, and shall be subject to any written orders issued by the ~~director~~ administrator of the division of compliance. A permit for construction activity at a specified location may not be transferred to construction activity at another location.

- (q) *Revocation of permits.* The ~~director~~ division of compliance may revoke a permit when:
- (1) The application, plans or supporting documents contain a false statement or misrepresentation as to a material fact; or
 - (2) The application, plans or supporting documents reflect a lack of compliance with the requirements of this article.

The sanction provided in this subsection shall in no way limit the operation of penalties provided elsewhere in this chapter.

(r) *Stop-work order.* The ~~director~~ administrator of the division of compliance is empowered to issue an order requiring the suspension of the pertinent construction activity ("stop-work order") whenever the ~~director~~ administrator determines that:

- (1) Construction activity is proceeding in an unsafe manner;
- (2) Construction activity is proceeding in violation of a requirement of this article;
- (3) Construction activity is proceeding in a manner which is materially different from the application, plans, or supporting documents; or
- (4) Construction activity for which a sanitary sewer connection permit is required is proceeding without such a permit being in force. In such an instance, the stop-work order shall indicate that the effect of the order terminates when the required permit is issued.

The stop-work order shall be in writing and shall state to which construction activity it is applicable and the reason for its issuance. The stop-work order shall be posted on the property in a conspicuous place and, if conveniently possible, shall be given to the person doing the construction and to the owner of the property or his agent. The stop-work order shall state the conditions under which construction may be resumed. The sanction provided in this subsection shall in no way limit the operation of penalties provided elsewhere in this chapter.

SECTION 42. Sections 671-24 and 671-25 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 671-24. Dewatering discharge to a combined sewer.

(a) It shall be unlawful to discharge the water resulting from dewatering activity to a combined sewer, whether such activity is temporary or permanent, without a valid sanitary sewer connection permit issued by the ~~department~~ division of compliance. As a condition to the issuance of a permit, the applicant shall install, maintain and operate at the user's expense a metering device to measure the flow associated with such discharge.

(b) Based upon the volumes determined by the measurements, the user will be charged appropriate user fees in accordance with Article-IV of this chapter.

(c) The user shall be required to submit monthly reports, subject to verification if authorized by the ~~director~~ division of compliance, to serve as the basis for billing, with any necessary adjustments in the amount made after verification.

Sec. 671-25. Mandatory inspection.

(a) *Notification.* It shall be the duty of the holder of a connection permit to notify the ~~department~~ division of compliance in the manner described on the sanitary sewer connection permit that the sewer work is available for inspection. The ~~department~~ division of compliance will conduct inspections on building sewer connections from 8:00 a.m. to 5:00 p.m. local time, Monday through Friday, except for observed city holidays. The building sewer, in its entirety from the foundation to the connection with the public sewer or existing lateral, must be exposed for inspection and be properly bedded in accordance with the department's standard specifications to one-half the diameter of the building sewer. It is further the duty of the permit holder to install safety barricades, fences or other safety measures while waiting for an inspection. The permit holder may backfill the building sewer trench if the ~~department~~ division of compliance has not made an inspection within a four-hour period after notice has been given to the ~~department~~ division of compliance. In the event the building sewer is not completed and ready for inspection upon the inspector's arrival or if the

notification is made after 1:00 p.m. local time, Monday through Friday, the permit holder shall make the building sewer and connection available for a four-hour period on the following department work day. An inspection may be waived with or without conditions with the approval of the ~~director~~ division of compliance.

(b) *Right of entry.* The division of ~~development services~~ compliance and the department shall each have the right of entry to, upon or through any premises for purposes of inspection of sewer work and any other construction activity performed on or associated with the connection of the building sewer to the city sewer including inspection for clear water discharges into the sewer.

SECTION 43. Sections 671-27 through 671-31 of the "Revised Code of the Consolidated City and County," inclusive, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 671-27. Maximum number of connections.

No more than one (1) building will be permitted to connect to a building sewer. Sewers with more than one (1) connection must be constructed as a public sewer in a dedicated easement in accordance with Article VII, unless the ~~department administrator of the division of permits~~ determines that an exception is justified.

Sec. 671-28. Building sewer responsibility.

It shall be the responsibility of the property owner(s) whose property is benefitted to provide for, install and make private connections for the use of their premises to an existing public or building sewer. Further, it shall be the responsibility of the owner to make all necessary repairs, extensions, relocations, changes or replacements thereof, and of any accessories thereto. These requirements may be altered, modified or waived at the discretion of the ~~director~~ administrator of the division of permits when it is shown that compliance is not possible due to extenuating circumstances.

Sec. 671-29. Existing foundation drains, roof drains, defective building sewers and sump pumps.

In the event the ~~department~~ division of compliance determines that a violation of section 671-4(a) exists, the ~~department~~ division of compliance shall notify the violator, by certified mail, that such violation exists. The notice shall describe the nature of the violation and the corrective action(s) that must be taken. Such corrective action shall be taken within thirty (30) days of receipt of such notice.

Sec. 671-30. Penalties.

Any person violating any provision of this article shall be subject to the penalties of this chapter in accordance with sections 671-16 and 671-22 and further, at the discretion of the ~~director~~ administrator of the division of compliance, may be required to correct such violation at his expense.

Sec. 671-31. Appeal.

Any person affected by the exercise of any discretionary authority delegated by this article to any official of the ~~department~~ division of compliance and who objects to the decision made or action taken by such official shall be entitled to a hearing before the board of public works upon such objection. The person desiring such hearing before the board shall file a written request for a hearing, including a statement of his objections, with the director, who shall call the same to the attention of the board. Such requests must be filed with the director within ten (10) days from the date of the action being appealed. The appeal shall be scheduled before the board within thirty (30) days after such request is filed. Notice shall be given to the appellant identifying the time, place and date of the appeal at least ten (10) days prior to the scheduled date. The board may hear any evidence it deems relevant. After the hearing, the board may confirm, reverse or modify the decision or action. The order of the board shall be final. Such order shall be made within ten (10) days after the hearing and shall be in writing and sent to the appellant.

SECTION 44. Sections 671-122 and 671-123 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 671-122. Permit required; fee.

Before the commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit therefor signed by the ~~director~~ administrator of the division of compliance. The application for the permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the ~~director~~ administrator. A

permit and inspection fee of one hundred dollars (\$100.00) shall be paid to the city at the time the application is filed.

Sec. 671-123. Approval of the ~~director~~ division of compliance required; inspections.

A permit for a private wastewater disposal system as required by this article shall not become final until the installation is completed to the satisfaction of the ~~director~~ division of compliance; ~~he/she~~ the division shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the ~~director~~ division of compliance when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the ~~director~~ division of compliance.

SECTION 45. Sections 671-151 and 671-152 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 671-151. Requirements for construction permits; enforcement.

(a) It shall be unlawful to cause or allow the construction or modification of any sanitary sewer or sanitary sewer lift station without first obtaining a valid construction permit issued by the ~~department~~ division of compliance and the Indiana Department of Environmental Management; provided, however, a sanitary sewer construction permit shall not be required for maintenance work performed by or on behalf of the department.

(b) The ~~department~~ division of compliance may deny permits to any applicant who is currently in violation of this chapter or any applicable regulations.

(c) A violation of this section is subject to the enforcement procedures and penalties provided in section 103-3 of this Code; provided, however, the fine imposed for such violation shall not be less than one hundred dollars (\$100.00), and each day that an offense continues shall constitute a separate violation. The city controller shall cause any fines collected under this section to be deposited into an account for the use and benefit of the ~~department~~ division of compliance.

Sec. 671-152. Application procedures; design plans and specifications.

(a) Applications shall be submitted in accordance with procedures established by the ~~department~~ division of compliance and revised from time to time. Design plans and specifications for the construction of sanitary sewers shall be developed by or under the direction of a professional engineer registered in accordance with IC 25-31-1 and shall have a title sheet which includes the professional engineer's seal and signature. The approval of design plans and specifications by the ~~department~~ division of compliance under this article shall be valid for a period of one (1) year from the date such approval was granted, or until the construction permit for which the design plans and specifications were submitted is issued, whichever occurs first. However, prior to the issuance of the construction permit, if there are any material changes to approved design plans and specifications, or circumstances which cause the design plans and specifications to be inaccurate or incomplete, then new or corrected design plans and specifications shall be submitted to the ~~department~~ division of compliance as a precondition for obtaining a construction permit.

(b) An application fee shall be submitted to cover the cost of plan review. The board of public works shall establish the amount of such fee by regulation and may revise the amount of such fee but not more often than once each calendar year. The application fee paid under this article shall not be refunded except upon request and in instances where the permit was issued in error, either because it was not required by law, or because a permit for the same activity previously had been issued and was in force at the time the second permit was applied for and issued.

(c) Applications for construction permits shall be submitted at least sixty (60) days in advance of the proposed start of construction, provided, however, that a shorter time period may be approved by the ~~director~~ division of compliance.

(d) Applications shall include a certificate of sufficiency of plan filed by a professional engineer registered in accordance with IC 25-31-1.

(e) The ~~director~~ administrator of the division of compliance may, as a prerequisite to the issuance of a construction permit, require developers, wherever applicable, to send written notification to property owners whose properties abut the route of the proposed sewer.

(f) Applications shall include any additional information deemed necessary by the ~~director~~ division of compliance to carry out the provisions of this chapter.

SECTION 46. Sections 671-155, 671-156, and 671-157 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 671-155. Right to limit sewer capacity.

Except to the extent that it may be preempted by state or federal laws, rules or regulations, the ~~department~~ division of compliance may deny the issuance of a construction permit if it is demonstrated that there is insufficient dry or wet weather capacity in any or all downstream sewers, lift stations, force mains and treatment plants, including capacity for pollutants, to accommodate the waste load expected to be generated as a result of the proposed development.

Sec. 671-156. Posting of bond.

(a) The ~~director~~ administrator of the division of compliance may, as a prerequisite to the issuance of a construction permit, require the posting of a performance bond from a company licensed by the State of Indiana to provide such surety. Such bond shall be equal to one hundred (100) percent of the contract amount or an amount established by the ~~director~~ administrator to provide surety for the satisfactory completion of the improvements required by the construction permit and shall name the City of Indianapolis and County of Marion as parties who can enforce the obligations thereunder. Such bond may be a part of the total bonding required by the ~~plats~~ plat committee of the metropolitan development commission.

(b) The ~~director~~ administrator of the division of compliance may as a prerequisite to acceptance of a sanitary sewer or lift station require the posting of a maintenance bond in an amount not to exceed twenty (20) percent of the contract amount or, subject to the approval by the ~~director~~ administrator, provision for maintenance for a period of three (3) years from the date of acceptance by the ~~department~~ division of compliance. Such bond shall name the City of Indianapolis and County of Marion as parties who can enforce the obligations thereunder.

(c) In instances where the ~~director~~ administrator has required a bond pursuant to this section, the ~~director~~ administrator may as an alternative to the posting of such bond accept other appropriate security, such as a properly conditioned irrevocable letter of credit, which meets the same objectives as the bonds described in this section, subject to approval of any other department or agency whose interests are protected by the same bonding requirement.

(d) If the surety on any bond furnished to the ~~department~~ division of compliance becomes a party to a supervision, liquidation, rehabilitation action pursuant to IC 27-9 et seq., or its right to do business in the state is terminated, it shall be required that, within thirty (30) days thereafter, a substitute bond and surety be provided, both of which must be acceptable to the city. Failure to obtain a substitute bond within the stated time frame shall be cause for revocation or suspension of the construction permit until such time that the bond is furnished to the ~~department~~ division of compliance.

Sec. 671-157. Execution of covenant.

(a) The ~~director~~ administrator of the division of compliance may, as a prerequisite to the issuance of a construction permit, require the execution of covenants and/or easements running in form to the City of Indianapolis and County of Marion by the owner or owners of such parcel. As a minimum in such cases, the ~~director~~ administrator shall require that the following covenant be executed by the owner or owners of such parcel which shall be included in a recorded plat:

It shall be the responsibility of the owner of any lot or parcel of land within the area of this plat to comply at all times with the provisions of the sanitary sewer construction plan approved by the ~~department of public works~~ division of compliance of the department of metropolitan development, and the requirements of all sanitary sewer construction permits for this plan issued by ~~said department~~ such division.

Owner further covenants that no building, structure, tree or other obstruction shall be erected, maintained, or allowed to continue on the portion of the owner's real estate in which the easement and right-of-way are granted without express written permission from the ~~department~~ division of compliance of the department of metropolitan development. Such permission, when duly recorded, shall run with the real estate. The department of public works and the division of compliance and ~~its~~ their agents shall have the right to ingress and egress, for temporary periods only, over the owner's real estate adjoining said easement and right-of-way, when necessary to construct, repair or maintain sanitary sewer facilities.

(b) Any person who violates a covenant required under this section, and/or the owner of any parcel of land who permits such a violation, who is notified in writing by the department of public works or ~~department of metropolitan development~~ division of compliance that a violation exists, shall be given a reasonable period of time, not to exceed thirty (30) days, in which to correct such violation. The notice shall specify the nature of the violation and shall stipulate a required correction date.

SECTION 47. Sections 671-159 through 671-164 of the "Revised Code of the Consolidated City and County," inclusive, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 671-159. Expiration of construction permit by operation of law; extensions; certificate of completion and compliance.

(a) If construction activity has not been commenced within one hundred eighty (180) days from the date of issuance of the sanitary sewer construction permit, the permit shall expire by operation of law and shall no longer be of any force or effect; provided, however, the ~~director~~ administrator of the division of compliance may, for good cause shown in writing, extend the validity of any such permit for an additional period which is reasonable under the circumstances to allow commencement of the construction activity. In no event shall the extension exceed a period of sixty (60) days.

(b) If the construction activity has been commenced but only partially completed, and thereafter substantially no construction activity occurs on the construction site over a period of six (6) months, the permit shall expire by operation of law and no longer be of any force or effect; provided, however, the ~~director~~ administrator of the division of compliance may, for good cause shown in writing, extend the validity of any such permit for an additional period which is reasonable under the circumstances to allow resumption of construction activity.

(c) The fee for an extension granted under this section shall be thirty dollars (\$30.00), and the extension shall be confirmed in writing.

(d) Within fourteen (14) days after satisfactory completion of tests on the sanitary sewer or lift station for which a construction permit was obtained, the professional engineer contracted in accordance with section 671-160 shall execute and file with the ~~department~~ division of compliance a certificate of completion and compliance, in a form prescribed by the ~~department~~ division.

Sec. 671-160. Inspection of construction of sanitary sewers.

(a) *Execution of inspection agreement.* Prior to the commencement of construction, the applicant shall execute an agreement with the ~~department~~ division of compliance which will provide that:

- (1) The ~~department~~ division of compliance will contract for construction inspection services to ensure that such construction meets the requirements of the approved construction plans.
- (2) The contracted engineer will be responsible for submitting and certifying air pressure or infiltration test results for all pipe and deflection test results for all flexible pipe.
- (3) The applicant will reimburse the ~~department~~ division of compliance for the cost of such inspection services, which shall be determined at the time of execution of the agreement and verified by the applicant or his representative throughout construction.
- (4) Upon completion of construction, the contracted engineer shall execute and file with the ~~department~~ division of compliance a certificate of completion and compliance certifying to the ~~department~~ division of compliance and the applicant as to the compliance of such construction with the requirements of the approved construction plans and/or approved change orders.
- (5) No action with regard to the acceptance of the construction and release of the improvement bond pursuant to this article shall be taken until the applicant has reimbursed the ~~department~~ division of compliance in full for the inspection services.

(b) *Inspection of construction:*

- (1) All construction of sanitary sewers intended for dedication to the city shall be inspected and certified pursuant to the agreement executed under subsection (a).

- (2) The applicant shall furnish the ~~department~~ division of compliance necessary copies of the approved construction plans.
- (3) If construction has already commenced on the effective date of General Ordinance No. 63, 1987, adopted July 20, 1987, the applicant must then furnish, along with a written request for acceptance, a certification by a professional engineer registered in the State of Indiana that the construction has met the requirements of the approved construction plans; further, the construction will be inspected by the ~~department~~ division of compliance, and all deficiencies shall be corrected prior to acceptance by the ~~department~~ division of compliance.

Sec. 671-161. Requirements for project acceptance and dedication to the city.

Sanitary sewers and lift stations will not be accepted and building sewer connection permits shall not be issued until all documents, as required by the department's standard specifications, are submitted to the ~~department~~ division of compliance, including the following:

- (1) Maintenance bond as required in section 671-156(b);
- (2) Recorded covenant and easement documents as required in sections 671-157 and 671-158;
- (3) Certificate of completion and compliance as required in section 671-159(d);
- (4) The completion of a final inspection as required in section 671-160 which confirms that the sewer has been constructed and tested in accordance with the department's standard specifications; and
- (5) Sanitary sewer record ("as built") drawings in accordance with the department's standards which shall be stamped and signed by a land surveyor registered in accordance with IC 25-31-1.

Sec. 671-162. Dedication and rehabilitation of existing sewers.

(a) The owner of a sanitary sewer may apply to the ~~department~~ division of compliance for dedication of the sewer, providing that the application is made in writing.

(b) Dedication of such sewer may be subject to the requirements outlined in sections 671-160(b) and 671-161 of this article and further, at the discretion of the ~~director~~ administrator of the division of compliance, may require the following:

- (1) Proof of legal ownership;
- (2) Flow monitoring results;
- (3) Television results;
- (4) Any other requirements as may be deemed reasonable and necessary by the ~~director~~ administrator of the division of compliance.

(c) In addition, the owner may, at his expense, be required to correct any deficiencies or remove any sources of clear water found as a result of any inspection, flow monitoring, television and/or other related testing.

Sec. 671-163. General authority for investigations and inspections.

(a) The power to make investigations and inspection of sanitary sewer and/or lift station construction shall be vested in the ~~director and his authorized representatives~~ division of compliance.

(b) Investigation and inspection of sanitary sewer and/or lift station construction may be made at any time by going upon, around or about the affected property.

(c) Such investigation and inspection may be made either before, during or after the construction is completed and shall be made for the purpose of determining whether the construction has been accomplished in a manner consistent with the approved plans and specifications and the minimum requirements of the department.

(d) Persons working on or having control of the construction shall cooperate fully with the inspectors and shall have available a copy of the approved plans and specifications used to obtain the construction permit.

Sec. 671-164. Variance procedure.

(a) ~~The director or, in his absence, a representative of the department designated by the director~~ administrator of the division of compliance shall have the power to modify or waive any minimum sanitary sewer design standard found in Article VII of this chapter or any regulations promulgated by the board of public works pursuant to Article VII of this chapter. ~~The director or his designee administrator, after consultation with the engineering division of the department of public works,~~ may grant such a modification or waiver if an applicant for a construction permit submits the request in writing and makes a substantial showing:

- (1) That a minimum sanitary sewer design standard or regulation is unfeasible or unreasonably burdensome; and
- (2) That an alternate plan submitted by the applicant will achieve the same objective and purpose as compliance with minimum sewer design standards and regulations of the department.

(b) If the ~~director or his designee administrator~~ shall fail to respond to such request for variance within twenty (20) days from such written request, it shall be deemed to be denied.

(c) An applicant may appeal to the board of public works the decision of the ~~director or his designee administrator~~ denying or partially approving a requested variance. The appeal of such a decision shall be filed with the board within twenty (20) days of the decision. The board shall hear the request for the variance de novo and in making a decision shall apply the standards set forth above.

SECTION 48. Sections 671-167 through 671-170 of the "Revised Code of the Consolidated City and County," inclusive, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 671-167. Notice of change in permit information; amendment of permits and plans.

(a) After a permit has been issued, the permittee shall give prompt written notice to the ~~director~~ division of compliance of any addition to or change in the information contained in the permit application.

(b) After a permit has been issued, any material deviation or change in the information contained in the permit application or the design plans and specifications shall be considered an amendment subject to approval by the ~~director~~ administrator of the division of compliance. Prior to the time construction activity involving the change occurs, the permittee shall file with the ~~director~~ division of compliance a written request for amendment, including a detailed statement of the requested change and the submission of any amended plans.

(c) The ~~director~~ division of compliance shall give the permittee written notice that the request for amendment has been approved or denied, and if approved, copies of the amended application or plans shall be attached to the original application or plans. A fee for the amendment of a permit shall be thirty dollars (\$30.00). Reinspection fees, and other fees which are occasioned by the amendment shall be assessed and paid in the same manner as for original permits or plans.

Sec. 671-168. Stop-work order; revocation of permits.

(a) The ~~director~~ administrator of the division of compliance is empowered to issue an order requiring suspension of work ("stop-work order") whenever the ~~director~~ administrator determines that:

- (1) Construction is proceeding in an unsafe manner; or
- (2) Construction is occurring in violation of the department's standard specifications and requirements and in such a manner that, if construction is allowed to proceed, there is a probability that it will be substantially difficult to correct the violation; or
- (3) Construction activity is proceeding in a manner which is materially different from the application, design plans or specifications; or
- (4) Sewer construction for which a construction permit is required is proceeding without a construction permit being in force. In such an instance, the stop-work order shall indicate that the effect of the order terminates when the required permit is obtained.

The stop-work order shall be in writing and shall state to what construction it is applicable and the reason for its issuance. One (1) copy of the stop-work order shall be posted on the property in a conspicuous place, and one (1) copy shall be delivered to the permit applicant, to the person doing the construction and to the owner of the property or his agent. The stop-work order shall state the conditions under which construction may be resumed.

(b) The ~~director~~ administrator may revoke a sanitary sewer construction permit when:

- (1) The application, design plans or specifications contain a false statement or misrepresentation as to a material fact; or
- (2) The application, design plans or specifications reflect a lack of compliance with the requirements of this article.

(c) The sanctions provided in this section shall in no way limit the operation of penalties provided elsewhere in this chapter.

Sec. 671-169. Appeals.

(a) Any person affected by authority delegated by this article to any official of the ~~department~~ division of compliance and who objects to the decision made or the action taken by such official shall be entitled to a hearing before the board of public works upon such objection. The person desiring such a hearing shall file a written statement of his objections with the director, who shall call the same to the attention of the board. The appeal shall be scheduled before the board within thirty (30) days after such objections are filed with the director. Notice shall be given to the objector identifying the time, place and date of the appeal at least ten (10) days prior to the scheduled date.

(b) After hearing testimony of the objector and the official who made the decision or took the action objected to, the board may confirm, reverse or modify such decision or action. The order of the board shall be final. Within ten (10) days of the board's decision a written notice shall be given to the objector confirming such decision.

Sec. 671-170. Transfer of permit.

(a) A sanitary sewer construction permit may be transferred with the approval of the ~~director~~ administrator of the division of compliance to a person, partnership or corporation which would be eligible to obtain such construction permit in the first instance (hereinafter called "transferee"), after both the payment of a fee of thirty dollars (\$30.00) and the execution and filing of a form furnished by the ~~department~~ division of compliance. Such transfer form shall contain, in substance, the following certifications, release and agreement:

- (1) The person who obtained the original construction permit or a person who is employed by and authorized to act for the obtainer (hereinafter called "transferor") shall:
 - a. Certify under penalties for perjury that such person is familiar with the sanitary sewer construction activity accomplished pursuant to the construction permit; such person is familiar with the construction standards and procedures provided in this article; and to the best of such person's knowledge, information and belief the construction activity, to the extent performed, is in conformity with all standards and procedures provided in this article; and
 - b. Sign a statement releasing all rights and privileges secured under the construction permit to the transferee.
- (2) The transferee shall:
 - a. Certify that the transferee is familiar with the information contained in the original construction permit application, the design plans and specifications, and any other documents filed in support of the application for the original construction permit;
 - b. Certify that the transferee is familiar with the present condition of the premises on which the construction activity is to be accomplished pursuant to the construction permit; and
 - c. Agree to adopt and be bound by the information contained in the original application for the construction permit, the design plans and specifications, and other documents supporting the original construction permit application; or in the alternative, agree to be bound by such

application plans and documents modified by plan amendments submitted to the ~~director~~
division of compliance for approval.

(b) The transferee shall assume the responsibilities and obligations of and shall comply with the same procedures required of the transferor (including, but not being limited to, the requirement of section 671-159 that a certificate of completion and compliance be executed and filed) and shall be subject to any written orders issued by the ~~director~~ division of compliance.

(c) A permit for construction activity at a specified location may not be transferred to construction activity at another location.

SECTION 49. Section 807-28 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 807-28. Operation.

(a) An adult entertainment establishment shall be kept in a sanitary condition at all times. As a condition of licensure under this chapter, the controller or controller's designee shall have the right to enter any licensed premises at any time without notice to insure compliance with this chapter. The controller shall have the power to determine if such establishment is in a sanitary condition. For such purpose, the controller shall have, upon demand, the assistance of the administrator of the division of ~~development services~~ compliance of the department of metropolitan development, and the Health and Hospital Corporation of Marion County. If the controller shall determine, after investigation by the division of development services or the Health and Hospital Corporation of Marion County, that an unsanitary condition exists within an adult entertainment establishment, the controller shall suspend the establishment license for such premises until such unsanitary condition is rectified.

(b) No licensee under this article, or his employee, shall permit persons to congregate in a disturbing manner within such licensed establishment or on parking areas or other property immediately adjacent to or normally used for purposes of parking for the establishment, which property is under the control of the establishment owner or owners or their lessee or lessor. A violation of this provision shall be sufficient grounds for the revocation of the license by the controller.

(c) No licensee under this article, or his employee, shall violate any state statute or city ordinance, or allow any other person to commit such a violation, within such establishment or on parking areas or other property immediately adjacent to or normally used for purposes of parking for such establishment, which property is under the control of the establishment owner or owners or their lessee or lessor. A violation of this provision shall be sufficient grounds for the revocation of the license by the controller.

SECTION 50. Section 875-107 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 875-107. Qualifications for person, partnership or corporation to be listed as contractor.

A person, partnership or corporation shall be entitled to receive a listing as a contractor if the following requirements are met:

- (1) An application form indicating the name, address and legal business status of the contractor has been submitted to the division of ~~development services~~ compliance; and
- (2) The listing fee specified in section 875-701 of this Revised Code has been paid; and
- (3) A surety bond meeting the requirements of section 875-109 has been posted and certificates of insurance meeting the requirements of section 875-110 have been submitted, unless these requirements are relieved because a person meets the inspector status requirement stated in section 875-108; and
- (4) The person, partnership or corporation does not presently have a listing issued under this article currently suspended, nor has it had such a listing revoked within a period of the preceding three hundred sixty-five (365) days; and
- (5) The partnership does not presently have a partner or the corporation does not presently have an officer who has a listing under this article currently suspended or who has had such a listing revoked within the preceding three hundred sixty-five (365) days; and

- (6) The partnership does not presently have a partner or the corporation does not presently have an officer who, within the preceding three hundred sixty-five (365) days, served as a partner in a partnership or an officer in a corporation listed under this article at the time when actions related to policies or practices of the partnership or corporation occurred which provided a primary basis on which the listing of the partnership or corporation was revoked or suspended for more than one hundred eighty (180) days.

Unless these requirements are met a person, partnership or corporation shall not be entitled to receive a listing as a contractor. No prerequisites other than the six (6) listed in this section shall be imposed in determining which persons, partnerships and corporations may be listed contractors.

SECTION 51. Sections 875-109, 875-110, and 875-111 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 875-109. Bond.

(a) Before a listing is issued by the ~~neighborhood and development services~~ division of planning to any person, partnership or corporation, the administrator of such division shall require the applicant to file a surety bond in the amount of ten thousand dollars (\$10,000.00). Such a bond shall be maintained in full force and effect for the full period of the license. The bond originally filed with the application for a listing or to renew a listing shall be for a period of not less than one (1) year. The bond shall set forth the name, phone number and address of the agent representing the bonding company and shall be:

- (1) Issued by a surety authorized to do business in Indiana;
- (2) Payable to the Consolidated City of Indianapolis or an unknown third party as obligee;
- (3) Conditioned upon:
 - a. Compliance with requirements set forth in this chapter which must be met to retain listing and licensure; and
 - b. Prompt payment of all fees owed the consolidated city as set forth in this chapter, and Chapters 561, 645 and 671 of this Code; and
 - c. Prompt payment to the Consolidated City of Indianapolis for any loss or expense for damages to property of the Consolidated City of Indianapolis caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers in violation of requirements of state statute, city regulation or this Revised Code, which requirements must be met to properly carry out construction activity, a land alteration (as defined in section 561-109 of this Code), sewer work (as defined in section 671-2 of this Code), driveway work (as defined in section 645-421 of this Code) or excavation work (as defined in section 645-431 of this Code) while engaged in any construction activity, land alteration, sewer work, driveway work or excavation work; and
 - d. Prompt payment to a person, partnership or corporation which is an unknown third party obligee for any:
 1. Losses arising out of violations;
 2. Expenses necessary to correct violations; and
 3. Court costs and attorney fees allowed by the court incurred in connection with the commencement and prosecution of a court action to recover such losses and expenses for violation of requirements of state statute, city regulation or this Revised Code, which requirements must be met to properly carry out construction activity, a land alteration, sewer work, driveway work, or excavation work on property of the unknown third party obligee, caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers while engaged in any construction activity, land alteration, sewer work or driveway work. However, the surety is not responsible under the bond for losses or expenses arising out of negligent conduct or improper workmanship unless such conduct or improper workmanship violates requirements of state statute, city regulation or this Revised Code, which requirement must be met to

properly carry out construction activity, a land alteration, sewer work, driveway work, or excavation work.

(b) The administrator of the division of compliance may accept in lieu of the surety bond a properly conditioned irrevocable letter of credit in the amount of ten thousand dollars (\$10,000.00) if the city controller approves the obligor financial institution as being financially responsible and if the corporation counsel approves the letter of credit as affording the same protections to the City of Indianapolis and an unknown third party as the protections afforded by the surety bond.

(c) The obligation of the surety and financial institution relative to this bond or letter of credit is limited to ten thousand dollars (\$10,000.00). A surety or financial institution may pay on the bond or disburse from the letter of credit to pay a claim in full at any time when that claim and pending claims (reflected by written notice to the surety or financial institution) together do not exceed the unpaid penalty of the bond or the undisbursed balance of the letter of credit. If written notice is received of claims which exceed the unpaid penalty of the bond or undisbursed balance of the letter of credit, the surety or financial institution shall prorate payment according to the amount of such claims.

Sec. 875-110. Insurance.

Insurance requirements are met if the person, partnership or corporation secures insurance covering all construction activity accomplished by the listed contractor or under permits obtained by the listed contractor, any land alteration (as defined in section 561-109 of this Code) accomplished by the listed contractor or under a permit obtained by the listed contractor, all sewer work (as defined in section 671-2 of this Code) accomplished by the listed contractor or under a permit obtained by the listed contractor, and all driveway work (as defined in section 645-421 of this Code) accomplished by the listed contractor or under a permit obtained by the listed contractor and thereafter maintains such insurance in full force and effect throughout the license period:

- (1) A public liability and property damage insurance policy assuring the listed contractor and naming the Consolidated City of Indianapolis as an "additional assured," providing for the payment of any liability imposed by law on such listed contractor or the Consolidated City of Indianapolis arising out of operations being performed by or on behalf of the listed contractor in the minimum amounts of five hundred thousand dollars (\$500,000.00) for combined bodily injury and property damage coverage of five hundred thousand dollars (\$500,000.00) for any occurrence relative to which there is injury or death to one (1) or more persons and one hundred thousand dollars (\$100,000.00) for any occurrence relative to which there is damage to property. A certificate of such policy shall be delivered to the administrator of the division of ~~development services~~ compliance.
- (2) Workmen's compensation insurance covering the personnel employed for death or injury arising out of operations being performed by or on behalf of the listed contractor. A certificate of such insurance shall be delivered to the administrator of the ~~neighborhood and development services~~ division of compliance. This provision shall not apply if the listed contractor has no employees and gives appropriate notice to the division of ~~development services~~ compliance.

The insurance carrier shall give notice both to the listed contractor and the ~~neighborhood and development services~~ division of compliance at least fifteen (15) days before such insurance is either canceled or not renewed, and the certificate shall state this obligation.

Sec. 875-111. Approval for listing.

Approval of a person, partnership or corporation as a listed contractor shall be by the board or the administrator of the division of compliance acting on behalf of the board. Upon receipt of such approval the controller shall issue the listing. The listing shall be for a period from January 1 of any year ending in an odd number to December 31 of the following year. No listing shall be issued by the controller to any person, partnership or corporation except as provided in this article.

SECTION 52. Section 875-115 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 875-115. Hearing and appeal.

(a) The date and place for a revocation or suspension hearing shall be fixed by the board. At least ten (10) days before such date a written copy of the charges, prepared by the consolidated city, and notice of the time and place of the hearing thereon shall be served upon the listed contractor, either by hand delivery to the charged listed person or to the partner of a charged listed partnership or officer of a charged listed corporation,

or by certified mail with return receipt addressed to the listed contractor at its main place of business as shown by the listed contractor's application for listing. The ten (10) or more days shall run from the date such notice is mailed as shown by the postmark thereon.

(b) The listed contractor may appear in person or by counsel, produce evidence (including testimonial and documentary evidence), make argument and cross-examine witnesses at such hearing. The consolidated city shall have the same right. The board may cause or allow any other relevant evidence to be introduced. On the basis of the evidence presented at the hearing, the board shall make findings and enter an order in accordance with such findings, which shall not become effective until ten (10) days after notice and a copy thereof has been served upon the listed contractor, in the same manner required for notice of the hearing.

(c) On or before ten (10) days after service of such order, the listed contractor may appeal therefrom to the director of the department of metropolitan development, by serving a notice of appeal upon the director either in person or by filing it at his office, with a copy thereof delivered to the board at the office of the administrator of the division of ~~development services~~ compliance, who shall deliver such copy to the board. Unless such appeal is so taken, the order of the board shall be final.

(d) If so appealed, the order of the board shall be stayed until the appeal is heard and determined by the director of the department of metropolitan development, under the procedure prescribed by statute for hearings on the suspension or revocation of licenses. The director shall thereupon render such decision as he finds justified and sustained by the evidence, either affirming, reversing or modifying the terms of the order of the board. The director's order shall be final and conclusive and be binding upon both the listed contractor and the board.

SECTION 53. Section 875-214 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 875-214. Inspector status.

The inspector status requirement of section 875-208(4) is met by a person who is employed full time by the ~~neighborhood and development services~~ division of compliance in a position in which he makes or supervises the making of inspections to determine compliance with building standards and procedures relative to electricity, or this article of this chapter. Such a person shall not use a license as an electrical contractor other than with respect to his employment by the Consolidated City of Indianapolis. Licensure under this section terminates by operation of law when the person is no longer employed by the ~~neighborhood and development services~~ division of compliance and does not meet the requirements of sections 875-216 and 875-217.

SECTION 54. Sections 875-216 and 875-217 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 875-216. Bond.

(a) Before a license is issued by the ~~neighborhood and development services~~ division of compliance to any person, partnership or corporation, the administrator of such division shall require the applicant to file a surety bond in the amount of ten thousand dollars (\$10,000.00). Such a bond shall be maintained in full force and effect for the full period of the license. The bond originally filed with the application for a license or to renew a license shall be for a period of not less than one (1) year. The bond shall set forth the name, phone number and address of the agent representing the bonding company and shall be:

- (1) Issued by a surety authorized to do business in Indiana;
- (2) Payable to the Consolidated City of Indianapolis or an unknown third party as obligee;
- (3) Conditioned upon:
 - a. Compliance with requirements set forth in this chapter which must be met to retain licensure; and
 - b. Prompt payment of all fees owed the consolidated city as set forth in this chapter; and
 - c. Prompt payment to the Consolidated City of Indianapolis for any loss or expense for damages to property of the Consolidated City of Indianapolis caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers in violation of

building standards and procedures while engaged in any electrical work or any related construction activity; and

- d. Prompt payment to a person, partnership or corporation which is an unknown third party obligee for any:
 1. Losses arising out of violations;
 2. Expenses necessary to correct violations; and
 3. Court costs and attorney fees allowed by the court incurred in connection with the commencement and prosecution of a court action to recover such losses and expenses for violations of building standards and procedures caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers while engaged in electrical work or any related construction activity.

However, the surety is not responsible under the bond for losses or expenses arising out of negligent conduct or improper workmanship unless such conduct or workmanship violates requirements of building standards and procedures.

(b) The ~~administrator~~ of the division of compliance may accept in lieu of the surety bond a properly conditioned irrevocable letter of credit in the amount of ten thousand dollars (\$10,000.00) if the city controller approves the obligor financial institution as being financially responsible and if the corporation counsel approves the letter of credit as affording the same protections to the City of Indianapolis and an unknown third party as the protections afforded by the surety bond.

(c) The obligation of the surety financial institution relative to this bond or letter of credit is limited to ten thousand dollars (\$10,000.00). A surety or financial institution may pay on the bond or disburse from the letter of credit to pay a claim in full at any time when that claim and pending claims (reflected by written notice to the surety or financial institution) together do not exceed the unpaid penalty of the bond or the undisbursed balance of the letter of credit. If written notice is received of claims which exceed the unpaid penalty of the bond or undisbursed balance of the letter of credit, the surety or financial institution shall prorate payment according to the amount of such claims.

Sec. 875-217. Insurance.

Insurance requirements are met if the person, partnership or corporation secures insurance covering all electrical work and related construction activity accomplished by the licensee or under permits obtained by the licensee and thereafter maintains such insurance in full force and effect throughout the license period:

- (1) A public liability and property damage insurance policy assuring the licensee and naming the Consolidated City of Indianapolis as an "additional assured," and providing also for the payment of any liability imposed by law on such licensee or the Consolidated City of Indianapolis arising out of operations being performed by or on behalf of the licensee in the minimum amounts of five hundred thousand dollars (\$500,000.00) for combined bodily injury and property damage coverage or five hundred thousand dollars (\$500,000.00) for any occurrence relative to which there is injury or death to one (1) or more persons and one hundred thousand dollars (\$100,000.00) for any occurrence relative to which there is damage to property. A certificate of such policy shall be delivered to the administrator of the division of ~~development services~~ compliance.
- (2) Workmen's compensation insurance covering the personnel employed for death or injury arising out of operations being performed by or on behalf of the licensee. A certificate of such insurance shall be delivered to the administrator of the ~~neighborhood and development services~~ division of compliance. This provision shall not apply if the licensee has no employees and gives appropriate notice to the division of ~~development services~~ compliance.

The insurance carrier shall give notice both to the licensee and the ~~neighborhood and development services~~ division of compliance at least fifteen (15) days before such insurance is either canceled or not renewed, and the certificate shall state this obligation.

SECTION 55. Section 875-219 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 875-219. Board's approval for licensure.

Approval for licensure of a person, partnership or corporation as an electrical contractor shall be in writing signed by a majority of the board. The board may, however, by resolution agreed to by a majority of the board delegate to one (1) of its officers or the administrator of the division of ~~development services~~ compliance authority to approve applications for licensure or renewal of licensure on behalf of the board in instances where the applicant is a person whose eligibility for license renewal is established by section 875-212(1) or the applicant is a partnership or corporation.

Upon delivery of such approval an electrical contractor's license shall be issued by the controller. The licensure period shall be from January 1 of any year ending in an even number to December 31 of the following year. (However, during a transition period from July 1, 1995, to December 31, 1997, licenses may be issued for a longer period of time than two (2) years.) No license shall be issued by the controller to any person, partnership or corporation as an electrical contractor except as provided in this article.

SECTION 56. Section 875-221 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 875-221. Supervision by licensee.

All electrical work shall be accomplished under the direction and control of either:

- (1) The licensed person who applied for the building permit; or
- (2) If the building permit has been transferred, the licensed person who is the applicant representing the transferee of the building permit; or
- (3) If the applicant for the building permit no longer is able or desires to continue his responsibilities and obligations as the applicant and the obtainer of the building permit is a partnership which has a licensed person as a partner or a corporation which has a licensed person as an officer who meets the requirements imposed by section 536-202 of this Revised Code to apply for such a building permit in the first instance, such licensed partner or officer upon his notifying (using a form furnished by the division of ~~development services~~ compliance) the administrator of his assumption of the responsibilities and obligations of the applicant for the specified building permit.

The licensed person providing direction and control shall specify materials and work processes and supervise the person or persons accomplishing the electrical work.

SECTION 57. Sections 875-223, 875-224, and 875-225 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 875-223. License suspension, revocation or determination of ineligibility for renewal for a person.

The board may, under section 875-225, suspend the license of a person for a period of up to seven hundred thirty (730) days, revoke the license of a person or determine on the basis of activities carried out while licensed that a person who is or has been licensed within the previous three hundred sixty-five (365) days is ineligible for license renewal, if one (1) of the following is shown:

- (1) The licensee made any materially false statement of fact either to the board or on his application for license or license renewal; or
- (2) The licensee acted fraudulently in the license examination; or
- (3) The licensee (but not including licensees who are exempt because of compliance with the requirements of section 875-213 or section 875-214) failed to post and maintain a surety bond and insurance required by section 875-216 or 875-217; or
- (4) The licensee acted fraudulently, or with deceit, in his business relationship with other persons, partnerships or corporations with which he dealt in connection with electrical work; or
- (5) Electrical work for which the licensee was responsible as applicant for the permit or applicant representing the transferee of the permit was performed either incompetently or in such manner that it does not meet standards of reasonable workmanship or compliance with building standards and procedures; or

- (6) The licensee failed to correct a violation of building standards and procedures relative to electrical work for which the licensee was responsible as applicant for the permit or applicant representing the transferee of the permit, after the administrator of the division of ~~development services~~ compliance issued a notice of building code violation, revoked a building permit or issued a stop-work order and the violation(s) causing any of these actions remained uncorrected for a period of ten (10) days from the date of issuance of the notice of the building code violation, revocation of permit or stop-work order, or in the instance where a period of ten (10) days was not sufficient, such longer period of time as was fixed by the administrator of the division of compliance in writing; or
- (7) The licensee has consistently failed to apply for or obtain required applicable permits for electrical work accomplished by the licensee or under his supervision; or
- (8) The licensee has consistently failed to timely file certificates of completion and compliance for electrical work relative to which he was the applicant for the permits or applicant representing the transferee of the permits; or
- (9) The licensee has consistently failed to give notice of availability for inspection at designated stages of electrical work as required by section 536-402 of this Revised Code; or
- (10) The licensee, excluding licensees who meet the inspector status requirement of section 875-214, has not for a period of five (5) continuous years accomplished or supervised the accomplishment of a significant amount of electrical work; or
- (11) The licensee qualified for licensure without meeting the bond and insurance requirements of sections 875-216 and 875-217 by meeting the inspector status requirements of section 875-214, but is no longer employed by the division of ~~development services~~ compliance and does not meet the requirements of sections 875-216 and 875-217; or
- (12) The licensee qualified for licensure without meeting the bond and insurance requirements of sections 875-216 and 875-217 by meeting the partnership or corporate agent requirements of section 875-213 but, without presently meeting the requirements of sections 875-216 and 875-217, either he:
 - a. Is no longer a partner or employee of a partnership or an officer or employee of a corporation licensed under this article; or
 - b. Has made use of his license other than as an agent of the partnership or corporation named in his application; or
- (13) The licensee has not properly paid the fee specified by section 875-701 of this Revised Code for a license which has been issued or is delinquent in the payment of fees owed pursuant to this chapter; or
- (14) The licensee has failed to give proper supervision to electrical work in accordance with the requirements of section 875-221; or
- (15) The licensee has attempted to conceal or has concealed violations of building standards and procedures.

Sec. 875-224. License suspension, revocation or determination of ineligibility for receipt of successor license for partnership or corporation.

The board may, under section 875-225, suspend the license of a partnership or corporation for a period of up to seven hundred thirty (730) days, revoke the license of a partnership or corporation, or determine on the basis of activities carried out while licensed within the previous three hundred sixty-five (365) days that the partnership or corporation is ineligible to receive a successor license, if one (1) of the following is shown:

- (1) A materially false statement of fact was made to the board by an agent of the licensee or placed on the licensee's application for license; or
- (2) The licensee failed to post and maintain the surety bond and insurance required by sections 875-216 and 875-217; or

- (3) Agents of the licensee acted fraudulently or with deceit in its relationship with other persons, partnerships or corporations with which it dealt in connection with electrical work; or
- (4) Electrical work for which the licensee was responsible as obtainer of the permit or as transferee of the permit was performed either incompetently or in such manner that it does not meet standards of reasonable workmanship or compliance with building standards and procedures; or
- (5) The licensee failed to correct a violation of building standards and procedures relative to electrical work for which the licensee was responsible as obtainer of the permit or as transferee of the permit, after the administrator of the division of ~~development services~~ compliance issued notice of a building code violation, revoked a building permit or issued a stop-work order and the violation(s) causing any of these actions remained uncorrected for a period of ten (10) days from the date of issuance of the notice of the building code violation, revocation of permit or stop-work order, or in the instance where a period of ten (10) days was not sufficient, such longer period of time as was fixed by the administrator of the division of compliance in writing; or
- (6) The licensee has consistently failed to obtain required applicable permits for electrical work accomplished by the licensee; or
- (7) The licensee has consistently failed to give notice of availability for inspection at designated stages of electrical work as required by section 536-402 of this Revised Code; or
- (8) The licensee has consistently failed to timely file certificates of completion and compliance, as required, for electrical work accomplished pursuant to his license; or
- (9) The licensee has not properly paid the fee specified by section 875-701 of this Revised Code for a license which has been issued or is delinquent in the payment of fees owed pursuant to this chapter; or
- (10) If a partnership, does not have a licensed person as a general partner or employee, or if a corporation, does not have a licensed person as an officer or employee; or
- (11) The partnership presently has a partner or the corporation presently has an officer who has a license under this article presently suspended or who has had such a license revoked within the preceding seven hundred thirty (730) days or a determination made of ineligibility of license renewal within the preceding three hundred sixty-five (365) days; or
- (12) The partnership presently has a partner or the corporation presently has an officer who, within the previous three hundred sixty-five (365) days, served as a partner in a partnership or an officer in a corporation licensed under this article at the time when actions related to policies or practices of the partnership or corporation occurred which provided the primary basis on which the license of the partnership or corporation was revoked, suspended for more than three hundred sixty-five (365) days, or a determination made of ineligibility for receipt of a successor license; or
- (13) The licensee has attempted to conceal or has concealed violations of building standards and procedures.

Sec. 875-225. Hearing and appeal.

(a) The date and place for a revocation or suspension hearing shall be fixed by the board. At least ten (10) days before such date, a written notice of the general nature of the charges, prepared by the division of ~~development services~~ compliance, and of the time and place of the hearing thereon shall be served upon the licensee, either by hand delivery to the charged licensed person or to a partner of a charged partnership or officer of a charged corporation, or by certified mail with return receipt requested addressed to the licensee at his main place of business as shown by the licensee's application for license or license renewal. The ten (10) or more days shall run from the date such notice is mailed. In the instance where charges are made which have a similar factual basis and a business relationship exists (as, for example, charges against two (2) licensed partners or charges against a licensed corporation and its licensed corporate officer), the board may hear evidence relative to two (2) or more charges at the same hearing.

(b) The licensee may appear in person or by counsel, produce evidence (including testimonial and documentary evidence), make argument and cross-examine witnesses at such hearing. The division of ~~development services~~ compliance shall have the same right. The board may cause or allow any other relevant evidence to be introduced. On the basis of evidence presented at the hearing, the board shall make findings and enter an order in accordance with such findings, which shall not become effective until ten (10) days after notice and a copy thereof has been served upon the licensee, in the manner required for notice of the hearing.

(c) On or before ten (10) days after service of such order, the licensee may appeal therefrom to the director of the department of metropolitan development, by serving a notice of appeal upon the director either in person or by filing it at his office, with a copy thereof delivered to the board at the office of the administrator of the division of ~~development services~~ compliance, who shall deliver such copy to the board. Unless such appeal is so taken, the order of the board shall be final.

(d) If so appealed, the order of the board shall be stayed until the appeal is heard and determined by the director of the department of metropolitan development or a representative designated in writing (but not an employee of the division of ~~development services~~ compliance) by the director, under the procedure prescribed by statute for hearings on the suspension or revocation of licenses. The director or his representative shall thereupon render such decisions as he finds justified and sustained by the evidence, either affirming, reversing or modifying the terms of the order of the board. The order of the director or his representative shall be final and conclusive and be binding upon both the licensee and the board.

SECTION 58. Sections 875-313 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 875-313. Inspector status.

The inspector status requirement of section 875-307(4) is met by a person who is employed full time by the ~~neighborhood and development services~~ division of compliance in a position in which he makes or supervises the making of inspections to determine compliance with building standards and procedures relating to heating and cooling work, or this article of this chapter. Such a person shall not use a license as a heating and cooling contractor other than with respect to his employment by the Consolidated City of Indianapolis. Licensure under this section terminates by operation of law when the person is no longer employed by the ~~neighborhood and development services~~ division of compliance and does not meet the requirements of sections 875-315 and 875-316.

SECTION 59. Sections 875-315 and 875-316 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 875-315. Bond.

(a) Before a license is issued by the ~~neighborhood and development services~~ division of compliance to any person, partnership or corporation, the administrator of such division shall require the applicant to file a surety in the amount of five thousand dollars (\$5,000.00). Such a bond shall be maintained in full force and effect for the full period of the license. The bond originally filed with the application for a license or to renew a license shall be for a period of not less than one (1) year. The bond shall set forth the name, phone number and address of the agent representing the bonding company and shall be:

- (1) Issued by a surety authorized to do business in Indiana;
- (2) Payable to the Consolidated City of Indianapolis or an unknown third party as obligee;
- (3) Conditioned upon:
 - a. Compliance with requirements set forth in this chapter which must be met to retain licensure; and
 - b. Prompt payment of all fees owed the consolidated city as set forth in this chapter; and
 - c. Prompt payment to the Consolidated City of Indianapolis for any loss or expense for damages to property of the Consolidated City of Indianapolis caused by any action of the contractor, his agent, employees, principals, subcontractors, materialmen or suppliers in violation of building standards and procedures while engaged in any heating and cooling work or any related construction activity; and
 - d. Prompt payment to a person, partnership or corporation which is an unknown third party obligee for any:
 1. Losses arising out of violations;
 2. Expenses necessary to correct violations; and

3. Court costs and attorney fees allowed by the court incurred in connection with the commencement and prosecution of a court action to recover such losses and expenses for violations of building standards and procedures caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers while engaged in heating and cooling work or any related construction activity.

However, the surety is not responsible under the bond for losses or expenses arising out of negligent conduct or improper workmanship unless such conduct or workmanship violates requirements of building standards and procedures.

(b) The administrator may accept in lieu of the surety bond a properly conditioned irrevocable letter of credit in the amount of five thousand dollars (\$5,000.00) if the city controller approves the obligor financial institution as being financially responsible and if the corporation counsel approves the letter of credit as affording the same protections to the City of Indianapolis and an unknown third party as the protections afforded by the surety bond.

(c) The obligation of the surety and financial institution relative to this bond or letter of credit is limited to five thousand dollars (\$5,000.00). A surety or financial institution may pay on the bond or disburse from the letter of credit to pay a claim in full at any time when that claim and pending claims (reflected by written notice to the surety or financial institution) together do not exceed the unpaid penalty of the bond or the undisbursed balance of the letter of credit. If written notice is received of claims which exceed the unpaid penalty of the bond or undisbursed balance of the letter of credit, the surety or financial institution shall pro-rate payment according to the amount of such claims.

Sec. 875-316. Insurance.

The insurance requirements are met if the person, partnership or corporation secures insurance covering all heating and cooling work and any related construction activity accomplished by the licensee or under permits obtained by the licensee and thereafter maintains such insurance in full force and effect throughout the license period:

- (1) A public liability and property damage insurance policy assuring the licensee and naming the Consolidated City of Indianapolis as an "additional assured," and providing also for the payment of any liability imposed by law on such licensee or the Consolidated City of Indianapolis arising out of operations being performed by or on behalf of the licensee in the minimum amounts of five hundred thousand dollars (\$500,000.00) for combined bodily injury and property damage coverage of five hundred thousand dollars (\$500,000.00) for any occurrence relative to which there is injury or death to one (1) or more persons and one hundred thousand dollars (\$100,000.00) for any occurrence relative to which there is damage to property. A certificate of such policy shall be delivered to the administrator of the division of ~~development services~~ compliance.
- (2) Workmen's compensation insurance covering the personnel employed for death or injury arising out of operations being performed by or on behalf of the licensee. A certificate of such insurance shall be delivered to the administrator of the ~~neighborhood and development services~~ division of compliance. This provision shall not apply if the licensee has no employees and gives appropriate notice to the division of ~~development services~~ compliance.

The insurance carrier shall give notice both to the licensee and the ~~neighborhood and development services~~ division of compliance at least fifteen (15) days before such insurance is either canceled or not renewed, and the certificate shall state this obligation.

SECTION 60. Section 875-318 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 875-318. Board's approval for licensure.

Approval for licensure of a person, partnership or corporation as a heating and cooling contractor of the appropriate type shall be in writing signed by a majority of the board. The board may, however, by resolution agreed to by a majority of the board delegate to one (1) of its officers or the administrator of the division of ~~development services~~ compliance authority to approve applications for licensure or renewal of licensure on behalf of the board in instances where the applicant is a person whose eligibility for license renewal is established by section 875-311(1) or the applicant is a partnership or corporation.

Upon delivery of such approval a heating and cooling contractor's license of the appropriate type shall be issued by the controller. The licensure period shall be from January 1 of any year ending in an even number to December 31 of the following year. (However, during a transition period from July 1, 1995, to December 31, 1997, licenses may be issued for a longer period of time than two (2) years.) No license shall be issued by the controller to any person, partnership or corporation as a heating and cooling contractor except as provided in this article.

SECTION 61. Section 875-320 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 875-320. Supervision by licensee.

All heating and cooling work shall be accomplished under the direction and control of either:

- (1) The licensed person who applied for the building permit; or
- (2) If the building permit has been transferred, the licensed person who is the applicant representing the transferee of the building permit; or
- (3) If the applicant for the building permit no longer is able or desires to continue his responsibilities and obligations as the applicant and the obtainer of the building permit is a partnership which has a licensed person as a partner or a corporation which has a licensed person as an officer who meets the requirements imposed by section 536-202 of this Revised Code to apply for such a building permit in the first instance, such licensed partner or officer upon his notifying (using a form furnished by the office of the division of ~~development services~~ compliance) the administrator of his assumption of the responsibilities and obligations of the applicant for the specified building permit.

The licensed person providing direction and control shall specify work processes and supervise the person or persons accomplishing the heating and cooling work. Such licensed person or a competent person responsible to him must be present at the site when any significant heating and cooling work occurs.

SECTION 62. Sections 875-322, 875-323, and 875-324 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 875-322. License suspension, revocation or determination of ineligibility for renewal for a person.

The board may, under section 875-324, suspend the license of a person for a period of up to seven hundred thirty (730) days, revoke the license of a person, or determine on the basis of activities carried out while licensed that a person who is or has been licensed within the previous three hundred sixty-five (365) days is ineligible for license renewal, if one (1) of the following is shown:

- (1) The licensee made any materially false statement of fact either to the board or on his application for license or license renewal; or
- (2) The licensee acted fraudulently in the license examination; or
- (3) The licensee (but not including licensees who are exempt because of compliance with the requirements of section 875-312 or section 875-313) failed to post and maintain the surety bond and insurance required by sections 875-315 and 875-316; or
- (4) The licensee acted fraudulently, or with deceit, in his relationship with other persons, partnerships or corporations with which he dealt in connection with heating and cooling work; or
- (5) Heating and cooling work for which the licensee was responsible as applicant for the permit or applicant representing the transferee of the permit was performed either incompetently or in such manner that it does not meet standards of reasonable workmanship or compliance with building standards and procedures; or
- (6) The licensee failed to correct a violation of building standards and procedures relative to heating and cooling work for which the licensee was responsible as applicant for the permit or applicant representing the transferee of the permit, after the administrator of the division of ~~development services~~ compliance issued notice of a building code violation, revoked a building permit or issued a stop-work order and the violation(s) causing any of these actions remained uncorrected for a period of ten (10) days from the date of issuance of the notice of the building code violation,

revocation of permit or stop-work order, or in the instance where the period of ten (10) days was not sufficient, such longer period of time as was fixed by the administrator in writing; or

- (7) The licensee has consistently failed to apply for or obtain required applicable permits for heating and cooling work accomplished by the licensee or under his supervision; or
- (8) The licensee has consistently failed to give notice of availability for inspection at designated stages of heating and cooling work as required by section 536-402 of this Revised Code; or
- (9) The licensee has consistently failed to timely file certificates of completion and compliance for heating and cooling work relative to which he was the applicant for the permits; or
- (10) The licensee, excluding licensees who meet the inspector status requirement of section 875-313, has not for a period of five (5) continuous years accomplished or supervised the accomplishment of a significant amount of heating and cooling work; or
- (11) The licensee qualified for licensure without meeting the bond and insurance requirements of sections 875-315 and 875-316 by meeting the inspector status requirements of section 875-222, but is no longer employed by the division of ~~development services~~ compliance and does not meet the requirements of sections 875-315 and 875-316; or
- (12) The licensee qualified for licensure without meeting the bond and insurance requirements of sections 875-315 and 875-316 by meeting the partnership or corporate agent requirements of section 875-312, but without presently meeting the requirements of sections 875-315 and 875-316, either he:
 - a. Is no longer a partner or employee of a partnership or an officer or employee of a corporation licensed under this division; or
 - b. Has made use of his license other than as an agent of the partnership or corporation named in his application; or
- (13) The licensee has not properly paid the fee specified by section 875-701 of this Revised Code for a license which has been issued or is delinquent in other fees owed pursuant to this chapter; or
- (14) The licensee has failed to give proper supervision to heating and cooling work in accordance with requirements of section 875-320; or
- (15) The licensee holding a heating and cooling license other than a "heavy commercial (unrestricted)" license has accomplished (without supervision by a licensee of the appropriate type) or supervised the accomplishment of heating and cooling work without having the type license which is required for such construction activity; or
- (16) The licensee has attempted to conceal or has concealed violations of building standards and procedures.

Sec. 875-323. License suspension, revocation or determination of ineligibility for receipt of a successor license for a partnership or corporation.

The board may, under section 875-324, suspend the license of a partnership or corporation for a period of up to seven hundred thirty (730) days, revoke the license of a partnership or corporation, or determine on the basis of activities carried out while licensed within the previous three hundred sixty-five (365) days that the partnership or corporation is ineligible to receive a successor license, if one (1) of the following is shown:

- (1) A materially false statement of fact was made to the board by an agent of the licensee or placed on the licensee's application for license; or
- (2) The licensee failed to post and maintain the surety bond and insurance required by sections 875-315 and 875-316; or
- (3) An agent of the licensee acted fraudulently or with deceit in its relationship with other persons, partnerships or corporations with which it dealt in connection with heating and cooling work; or
- (4) Heating and cooling work for which the licensee was responsible as obtainer of the permit or as transferee of the permit was performed either incompetently or in such manner that it does not

meet standards of reasonable workmanship or compliance with building standards and procedures;
or

- (5) The licensee failed to correct a violation of building standards and procedures relative to heating and cooling work for which the licensee was responsible as obtainer of the permit or as transferee of the permit, after the administrator of the division of ~~development services~~ compliance issued notice of a building code violation, revoked a building permit or issued a stop-work order and the violation(s) causing any of these actions remained uncorrected for a period of ten (10) days from the date of issuance of notice of the building code violation, revocation of permit, or stop-work order, or in the instance where a period of ten (10) days was not sufficient such longer period of time as was fixed by the administrator in writing; or
- (6) The licensee has consistently failed to obtain required applicable permits for heating and cooling work; or
- (7) The licensee has consistently failed to give notice of availability for inspection at designated stages of heating and cooling work as required by section 536-402 of this Revised Code; or
- (8) The licensee has consistently failed to timely file certificates of completion and compliance, as required, for heating and cooling work accomplished pursuant to his license; or
- (9) The licensee has not properly paid the fee specified by section 875-701 of this Revised Code for a license which has been issued or is delinquent in the payment of fees owed pursuant to this chapter; or
- (10) If a partnership, does not have a licensed person as a general partner or employee, or if a corporation, does not have a licensed person as an officer or employee; or
- (11) The partnership presently has a partner or the corporation presently has an officer who has a license under this article presently suspended or who has had such a license revoked within the preceding seven hundred thirty (730) days or a determination made of ineligibility for license renewal within the preceding three hundred sixty-five (365) days; or
- (12) The partnership presently has a partner or the corporation presently has an officer who, within the previous three hundred sixty-five (365) days, served as a partner in a partnership or an officer in a corporation licensed under this article at a time when actions related to policies or practices of the partnership or corporation occurred which provided the primary basis on which the license of the partnership or corporation was revoked, suspended for more than three hundred sixty-five (365) days, or a determination made of ineligibility for receipt of a successor license; or
- (13) Heating and cooling work for which the licensee, holding a heating and cooling license other than a "heavy commercial (unrestricted)" license, was responsible as obtainer of the permit or as transferee of the permit was performed without the licensee having the type of license which is required for such work; or
- (14) The licensee has attempted to conceal or has concealed violations of building standards and procedures.

Sec. 875-324. Hearing and appeal.

(a) The date and place for a revocation or suspension hearing shall be fixed by the board. At least ten (10) days before such date, a written notice of the general nature of the charges, prepared by the division of ~~development services~~ compliance, and of the time and place of the hearing thereon shall be served upon the licensee, either by hand delivery to the charged licensed person or to a partner of a charged partnership or officer of a charged corporation or by certified mail with return receipt requested, addressed to the licensee at his main place of business as shown by the licensee's application for license or license renewal. The ten (10) or more days shall run from the date such notice is mailed. In the instance where charges are made which have a similar factual basis and a business relationship exists (as, for example, charges against two (2) licensed partners or charges against a licensed corporation and a licensed corporate officer), the board may hear evidence relative to two (2) or more charges at the same hearing.

(b) The licensee may appear in person or by counsel, produce evidence (including testimonial and documentary evidence), make argument and cross-examine witnesses at such hearing. The division of ~~development services~~ compliance shall have the same right. The board may cause or allow any other relevant evidence to be introduced. On the basis of the evidence presented at the hearing, the board shall make findings

and enter an order in accordance with such findings, which shall not become effective until ten (10) days after notice and a copy thereof has been served upon the licensee in the manner required for notice of the hearing.

(c) On or before ten (10) days after service of such order, the licensee may appeal therefrom to the director of the department of metropolitan development, by serving a notice of appeal upon the director either in person or by filing it at his office, with a copy thereof delivered to the board at the office of the administrator of the division of ~~development services~~ compliance, who shall deliver such copy to the board. Unless such appeal is so taken, the order of the board shall be final.

(d) If so appealed, the order of the board shall be stayed until the appeal is heard and determined by the director of the department of metropolitan development or a representative designated in writing (but not an employee of the division of ~~development services~~ compliance) by the director, under the procedure prescribed by statute for hearings on the suspension or revocation of licenses. The director or his representative shall thereupon render such decision as he finds justified and sustained by the evidence, either affirming, reversing or modifying the terms of the order of the board. The order of the director or his representative shall be final and conclusive and be binding upon the licensee and the board.

SECTION 63. Section 875-401 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 875-401. License required.

(a) Licensure as a wrecking contractor of the appropriate type is required to either engage or offer to engage in the business, trade or calling of demolishing, dismantling, dismembering, razing or removing structures; provided, however, that licensure as a wrecking contractor is not required:

- (1) To wreck a one-story detached accessory structure containing less than five hundred seventy-seven (577) square feet of floor area which is located on the same premises as a one- or two-family residential structure or to wreck a structure containing less than five hundred (500) square feet of floor area; or
- (2) To wreck a one-story, one- or two-family residential structure if:
 - a. The wrecking is accomplished by the person who owns the structure; and
 - b. The person is a previous occupant of the structure; and
 - c. No part of the structure is located nearer than ten (10) feet to another structure not owned by the person accomplishing the wrecking or any street, alley or sidewalk; and
 - d. The wrecking will not create a substantial potential health or safety hazard; and
 - e. If deemed reasonably necessary by the administrator of the ~~neighborhood and development services~~ division of compliance, the person who will accomplish the wrecking demonstrates that the wrecking activity is covered by a public liability and property damage insurance policy, in amounts established by the administrator (but not less than fifty thousand dollars (\$50,000.00) for personal injury or death and twenty-five thousand dollars (\$25,000.00) for property damage), naming the person doing the wrecking and the Consolidated City of Indianapolis as the insured; or
- (3) To wreck a one-story, wood-frame structure that is not a residential structure if:
 - a. The wrecking is accomplished by the person who owns the structure or by permanent, full-time employees of the partnership or corporation which owns the structure; and
 - b. The person, partnership or corporation which owns the premises where the structure is located is in possession of the premises where the structure is located; and
 - c. No part of the structure is located nearer than ten (10) feet to another structure not owned by the person, partnership or corporation accomplishing the wrecking or any street, alley or sidewalk; and
 - d. The wrecking will not create a substantial potential health or safety hazard; and

- e. If deemed reasonably necessary by the administrator of the ~~neighborhood and development services~~ division of compliance, the person, partnership or corporation who will accomplish the wrecking demonstrates that the wrecking activity is covered by a public liability and property damage insurance policy in amounts established by the administrator (but not less than fifty thousand dollars (\$50,000.00) for personal injury or death and twenty-five thousand dollars (\$25,000.00) for property damage), naming the person doing the wrecking and the Consolidated City of Indianapolis as the insured; or
- (4) To wreck or dismantle a structure or part of a structure if:
- a. The structure to be demolished or dismantled is a water storage tank, gas storage tank, or other structure which has some unique characteristic requiring specialized expertise beyond that of the typical licensed demolition contractor, or that the demolition or dismantling work involves some unique circumstance requiring such specialized expertise; and
 - b. The person responsible for supervising the demolition or dismantling work demonstrates his or her familiarity with this chapter and chapter 536 and his or her expertise and experience in demolishing or dismantling the type of structure or part of the structure to be demolished or dismantled; and
 - c. The person, partnership or corporation submits proof of bond and insurance in the amounts required for the type license normally required to demolish or dismantle the structure or part of the structure and naming the person, partnership or corporation doing the demolition or dismantling work and the Consolidated City of Indianapolis as insured; and
 - d. The person, partnership or corporation is listed as a general contractor under article I of this chapter prior to obtaining any wrecking permits or accomplishing any demolition or dismantling work.

The determinations under this paragraph (4) are to be made by the board of wrecking examiners or an employee of the department of metropolitan development designated by that board as qualified to make such determination. The board may appoint an alternate qualified employee for this designee.

(b) In determining whether to issue a permit for wrecking pursuant to paragraphs (1) through (3) above, the administrator of the ~~neighborhood and development services~~ division of compliance may consult with and seek the advice of the board of wrecking examiners.

(c) A determination by the administrator under paragraphs (1) through (3) or by the board's designee under paragraph (4) not to allow the nonlicensed person to accomplish the work under this section may be appealed to the board of wrecking examiners for reconsideration.

(d) A person not licensed under this article who is employed by a licensed wrecking contractor may, however, accomplish wrecking while working under the direction and control of a person who is a licensed wrecking contractor. The scope of activity of such nonlicensed person shall not extend beyond that allowed by the license type of the licensed wrecking contractor providing direction and control over the nonlicensed person. Such nonlicensed person shall not enter into or offer to enter into a contractual relationship with a consumer to himself engage in wrecking.

(e) Construction activity which this article allows licensed wrecking contractors to carry out is hereafter referred to in this article as "wrecking."

SECTION 64. Section 875-413 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 875-413. Inspector status.

The inspector status requirement of section 875-407(4) is met by a person who is employed full time by the ~~neighborhood and development services~~ division of compliance in a position in which he makes or supervises the making of inspections to determine compliance with building standards and procedures relating to wrecking, article II provisions or this article of this chapter. Such a person shall not use a license as a wrecking contractor other than with respect to his employment by the Consolidated City of Indianapolis. Licensure under this section terminates by operation of law when the person is no longer employed by the ~~neighborhood and development services~~ division of compliance and does not meet the requirements of sections 875-415 and 875-416.

SECTION 65. Sections 875-415 and 875-416 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 875-415. Bond.

(a) Before a license is issued by the ~~neighborhood and development services~~ division of compliance to any person, partnership or corporation, the administrator of the division shall require the applicant to file a surety bond in the amount of thirty thousand dollars (\$30,000.00) in the case of a type A license, twenty thousand dollars (\$20,000.00) in the case of a type B license and ten thousand dollars (\$10,000.00) in the case of a type C license. Such a bond shall be maintained in full force and effect for the full period of the license. The bond originally filed with the application for a license or to renew a license shall be for a period of not less than one (1) year. The bond shall set forth the name, phone number and address of the agent representing the bonding company and shall be:

- (1) Issued by a surety authorized to do business in Indiana;
- (2) Payable to the Consolidated City of Indianapolis or an unknown third party as obligee;
- (3) Conditioned upon:
 - a. Compliance with requirements set forth in this chapter which must be met to retain licensure; and
 - b. Prompt payment of all fees owed the consolidated city as set forth in this chapter; and
 - c. Prompt payment to the Consolidated City of Indianapolis for any loss or expense for damages to property of the Consolidated City of Indianapolis caused by any action of the contractor, his agents or employees, principals, subcontractors, materialmen or suppliers in violation of building standards and procedures while engaged in any wrecking or any related construction activity; and
 - d. Prompt payment to a person, partnership or corporation which is an unknown third party obligee for any:
 1. Losses arising out of violation;
 2. Expenses necessary to correct violations; and
 3. Court costs and attorney fees allowed by the court incurred in connection with the commencement and prosecution of a court action to recover such losses and expenses for violations of building standards and procedures caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers while engaged in wrecking or any related construction activity.

However, the surety is not responsible under the bond for losses or expenses arising out of negligent conduct or improper workmanship unless such conduct or workmanship violates requirements of building standards and procedures.

(b) The administrator may accept in lieu of the surety bond a properly conditioned irrevocable letter of credit in the amount of thirty thousand dollars (\$30,000.00) in the case of a type A license, twenty thousand dollars (\$20,000.00) in the case of a type B license and ten thousand dollars (\$10,000.00) in the case of a type C license if the city controller approves the obligor financial institution as being financially responsible and if the corporation counsel approves the letter of credit as affording the same protections to the City of Indianapolis and an unknown third party as the protections afforded by the surety bond.

(c) The obligation of the surety and financial institution relative to this bond or letter of credit is limited to thirty thousand dollars (\$30,000.00) in the case of a type A license, twenty thousand dollars (\$20,000.00) in the case of a type B license and ten thousand dollars (\$10,000.00) in the case of a type C license. A surety or financial institution may pay on the bond or disburse from the letter of credit to pay a claim in full at any time when that claim and pending claims (reflected by written notice to the surety or financial institution) together do not exceed the unpaid penalty of the bond or the undisbursed balance of the letter of credit. If written notice is received of claims which exceed the unpaid penalty of the bond or undisbursed balance of the letter of credit, the surety or financial institution shall pro-rate payment according to the amount of such claims.

Sec. 875-416. Insurance.

The insurance requirements are met if the person, partnership or corporation secures insurance covering all wrecking and related construction activity accomplished by the licensee or under permits obtained by the licensee and thereafter maintains such insurance in full force and effect throughout the license period:

- (1) A public liability and property damage insurance policy assuring the licensee and naming the Consolidated City of Indianapolis as an "additional assured," and providing also for the payment of any liability imposed by law on such licensee or the Consolidated City of Indianapolis arising out of operations being performed by or on behalf of the licensee in the minimum amounts of five hundred thousand dollars (\$500,000.00) for combined bodily injury and property damage coverage or five hundred thousand dollars (\$500,000.00) for any occurrence relative to which there is injury or death to one (1) or more persons, and one hundred thousand dollars (\$100,000.00) for any occurrence relative to which there is damage to property. A certificate of such policy shall be delivered to the administrator of the division of ~~development services~~ compliance.
- (2) Workmen's compensation insurance covering the personnel employed for death or injury arising out of operations being performed by or on behalf of the licensee. A certificate of such insurance shall be delivered to the administrator of the ~~neighborhood and development services~~ division of compliance. This provision shall not apply if the licensee has no employees and gives appropriate notice to the ~~neighborhood and development services~~ division of compliance.

The insurance carrier shall give notice both to the licensee and the ~~neighborhood and development services~~ division of compliance at least fifteen (15) days before such insurance is either canceled or not renewed, and the certificate shall state this obligation.

SECTION 66. Section 875-418 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 875-418. Board's approval for licensure.

(a) Approval for licensure of a person, partnership or corporation as a wrecking contractor of the appropriate type shall be in writing signed by a majority of the board. The board may, however, by resolution agreed to by a majority of the board delegate to one (1) of its officers or the administrator of the ~~neighborhood and development services~~ division of compliance authority to approve applications for licensure or renewal of licensure on behalf of the board in instances where the applicant is a person whose eligibility for license renewal is established by section 875-411(1) or the applicant is a partnership or corporation.

(b) Upon delivery of such approval, a wrecking contractor's license of the appropriate type shall be issued by the controller. The license period shall be from January 1 of any year ending in an even number to December 31 of the following year. (However, during a transition period from July 1, 1995, to December 31, 1997, licenses may be issued for a longer period of time than two (2) years). No license shall be issued by the controller to any person, partnership or corporation as a wrecking contractor except as provided in this section.

SECTION 67. Sections 875-420 through 875-423 of the "Revised Code of the Consolidated City and County," inclusive, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 875-420. Supervision by licensee.

- (a) All wrecking shall be accomplished under the direction and control of either:
- (1) The licensed person who applied for the building permit; or
 - (2) If the building permit has been transferred, the licensed person who is the applicant representing the transferee of the building permit; or
 - (3) If the applicant for the building permit no longer is able or desires to continue his responsibilities and obligations as the applicant and the obtainer of the building permit is a partnership which has a licensed person as a partner or a corporation which has a licensed person as an officer who meets the requirements imposed by section 536-202 of this Revised Code to apply for such a building permit in the first instance, such licensed partner or officer upon his notifying (using a form furnished by the ~~neighborhood and development services~~ division of compliance) the administrator

of the ~~neighborhood and development services~~ division of compliance of his assumption of the responsibilities and obligations of the applicant for the specified building permit.

(b) The licensed person providing direction and control shall specify work processes and supervise the person or persons accomplishing the wrecking. Such licensed person or a competent person responsible to him must be present at the site when any significant wrecking occurs.

Sec. 875-421. License suspension, revocation or determination of ineligibility for renewal for a person.

The board may, under section 875-423, suspend the license of a person for a period of up to seven hundred thirty (730) days, revoke the license of a person, or determine on the basis of activities carried out while licensed that a person who is or has been licensed within the previous three hundred sixty-five (365) days is ineligible for license renewal, if one (1) of the following is shown:

- (1) The licensee made any materially false statement of fact either to the board or on his application for license renewal; or
- (2) The licensee acted fraudulently in the license examination; or
- (3) The licensee (but not including licensees who are exempt because of compliance with the requirements of section 875-412 or section 875-413) failed to post and maintain the surety bond and insurance required by sections 875-415 and 875-416; or
- (4) The licensee acted fraudulently or with deceit in his relationship with other persons, partnerships or corporations with which he dealt in connection with wrecking; or
- (5) Wrecking for which the licensee was responsible as applicant for the permit or applicant representing the transferee of the permit was performed either incompetently or in such manner that it does not meet standards of reasonable workmanship or compliance with building standards and procedures; or
- (6) The licensee failed to correct a violation of building standards and procedures relative to wrecking for which the licensee was responsible as applicant for the permit or applicant representing the transferee of the permit, after the administrator of the ~~neighborhood and development services~~ division of compliance issued notice of a building code violation, revoked a building permit or issued a stop-work order and the violations(s) causing any of these actions remained uncorrected for a period of ten (10) days from the date of issuance of the notice of the building code violation, revocation of permit or stop-work order, or in the instance where a period of ten (10) days was not sufficient, such longer period of time as was fixed by the administrator of the division of compliance in writing; or
- (7) The licensee has consistently failed to apply for or obtain required applicable permits for wrecking accomplished by the licensee or under his supervision; or
- (8) The licensee has consistently failed to give notice of availability for inspection at designated stages of wrecking as required by section 536-402 of this Revised Code; or
- (9) The licensee has consistently failed to timely file certificates of completion and compliance for wrecking relative to which he was the applicant for the permits or applicant representing the transferee of the permits; or
- (10) The licensee, excluding licensees who meet the inspector status requirement of section 875-409, has not for a period of five (5) continuous years accomplished or supervised the accomplishment of a significant amount of wrecking; or
- (11) The licensee qualified for licensure without meeting the bond and insurance requirements of sections 875-415 and 875-416 by meeting the inspector status requirements of section 875-413, but is no longer employed by the division of ~~development services~~ compliance and does not meet the requirements of sections 875-415 and 875-416; or
- (12) The licensee qualified for licensure without meeting the bond and insurance requirements of sections 875-415 and 875-416 by meeting the partnership or corporate agent requirements of section 875-408 but, without presently meeting the requirements of sections 875-415 and 875-416, either he:

- a. Is no longer a partner or employee of a partnership or an officer or employee of a corporation licensed under this article; or
 - b. Has made use of his license other than as an agent of the partnership or corporation named in his application; or
- (13) The licensee has not properly paid the fee specified by section 875-701 of this Revised Code for a license which has been issued or is delinquent in other fees owed pursuant to this chapter; or
 - (14) The licensee has failed to give proper supervision to wrecking in accordance with the requirements of section 875-420; or
 - (15) The licensee holding a type B or type C wrecking license has accomplished (without supervision by a licensee of the appropriate type) or supervised the accomplishment of wrecking without having the type license which is required for such construction activity; or
 - (16) The licensee has attempted to conceal or has concealed violations of building standards and procedures.

Sec. 875-422. License suspension, revocation or determination of ineligibility for receipt of a successor license for a partnership or corporation.

The board may, under section 875-419, suspend the license of a partnership or corporation for a period of up to seven hundred thirty (730) days, revoke the license of a partnership or corporation, or determine on the basis of activities carried out while licensed within the previous three hundred sixty-five (365) days that the partnership or corporation is ineligible to receive a successor license, if one (1) of the following is shown:

- (1) A materially false statement of fact was made to the board by an agent of the licensee or placed on the licensee's application for license; or
- (2) The licensee failed to post and maintain a surety bond and insurance required by sections 875-415 and 875-416; or
- (3) An agent of the licensee acted fraudulently or with deceit in its relationship with other persons, partnerships or corporations with which it dealt in connection with wrecking; or
- (4) Wrecking for which the licensee was responsible as obtainer of the permit or as transferee of the permit was performed either incompetently or in such manner that it does not meet standards of reasonable workmanship or compliance with building standards and procedures; or
- (5) The licensee failed to correct a violation of building standards and procedures relative to wrecking for which the licensee was responsible as obtainer of the permit or as transferee of the permit, after the administrator of the ~~neighborhood and development services~~ division of compliance issued notice of a building code violation, revoked a building permit or issued a stop-work order and the violation(s) causing any of these actions remained uncorrected for a period of ten (10) days from the date of issuance of the notice of the building code violation, revocation of permit or stop-work order, or in the instance where a period of ten (10) days was not sufficient, such longer period of time as was fixed by the administrator of the division of compliance in writing; or
- (6) The licensee has consistently failed to obtain required applicable permits for wrecking accomplished by the licensee; or
- (7) The licensee has consistently failed to give notice of availability for inspection at designated stages of wrecking as required by section 536-402 of this Revised Code; or
- (8) The licensee has consistently failed to timely file certificates of completion and compliance, as required, for wrecking accomplished pursuant to his license; or
- (9) The licensee has not properly paid the fee specified by section 875-701 of this Revised Code for a license which has been issued or is delinquent in the payment of fees owed pursuant to this chapter; or
- (10) If a partnership, does not have a licensed person as a general partner or employee, or if a corporation, does not have a licensed person as an officer or employee; or

- (11) The partnership presently has a partner or the corporation presently has an officer who has a license under this article presently suspended or who has had such a license revoked within the preceding seven hundred thirty (730) days or a determination made of ineligibility of license renewal within the preceding three hundred sixty-five (365) days; or
- (12) The partnership presently has a partner or the corporation presently has an officer who, within the previous three hundred sixty-five (365) days, served as a partner in a partnership or an officer in a corporation licensed under this article at the time when actions related to policies or practices of the partnership or corporation occurred which provided the primary basis on which the license of the partnership or corporation was revoked, suspended for more than three hundred sixty-five (365) days, or a determination made of ineligibility for receipt of a successor license; or
- (13) Wrecking, for which the licensee holding a type B or type C wrecking license is responsible as obtainer of the permit or as transferee of the permit, was performed without the licensee having the type license which is required for such wrecking activity; or
- (14) The licensee has attempted to conceal or has concealed violations of building standards and procedures.

Sec. 875-423. Hearing and appeal.

(a) The date and place for a revocation or suspension hearing shall be fixed by the board, and at least ten (10) days before such date a written notice of the general nature of the charges, prepared by the ~~neighborhood and development services~~ division of compliance, and of the time and place of the hearing thereon shall be served upon the licensee, either by hand delivery to the charged person or to a partner of a charged partnership or officer of a charged corporation, or by certified mail with return receipt requested, addressed to the licensee at his main place of business as shown by the licensee's application for license or license renewal. The ten (10) or more days shall run from the date such notice is mailed. In the instance where charges are made which have a similar factual basis and a business relationship exists (as, for example, charges against two (2) licensed partners or charges against a licensed corporation and a licensed corporate officer), the board may hear evidence relative to two (2) or more charges at the same hearing.

(b) The licensee may appear in person or by counsel and produce evidence (including testimonial and documentary evidence), make argument and cross-examine witnesses at such hearing. The ~~neighborhood and development services~~ division of compliance shall have the same right. The board may cause or allow any other relevant evidence to be introduced. On the basis of evidence presented at the hearing, the board shall make findings and enter an order in accordance with such findings, which shall not become effective until ten (10) days after notice and a copy thereof has been served upon the licensee, in the manner required for notice of the hearing.

(c) On or before ten (10) days after service of said order, the licensee may appeal therefrom to the director of the department of metropolitan development, by serving a notice of appeal upon the director either in person or by filing it at his office, with a copy thereof delivered to the board at the office of the administrator of the ~~neighborhood and development services~~ division of compliance, who shall deliver such copy to the board. Unless such appeal is so taken, the order of the board shall be final.

(d) If so appealed, the order of the board shall be stayed until the appeal is heard and determined by the director of the department of metropolitan development or a representative designated in writing (but not an employee of the ~~neighborhood and development services~~ division of compliance) by the director, under the procedure prescribed by statute for hearings on the suspension or revocation of licenses. The director or his representative shall thereupon render such decision as he finds justified and sustained by the evidence, either affirming, reversing or modifying the terms of the order of the board. The order of the director or his representative shall be final and conclusive and be binding upon both the licensee and the board.

SECTION 68. Section 875-501 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 875-501. Registration.

(a) Any person or corporation which is licensed by the Indiana Plumbing Commission as a plumbing contractor pursuant to Public Law 188 of the Acts of 1972, as amended, and which performs any work within the Consolidated City of Indianapolis which it is privileged to accomplish pursuant to such license shall register with the ~~neighborhood and development services~~ division of compliance.

(b) Such registration shall be accomplished by paying a fee specified by section 875-701 and by furnishing the following information on a form supplied by the ~~neighborhood and development services~~ division of compliance:

- (1) Name of business;
- (2) Legal status (whether sole proprietor, member of partnership or corporation);
- (3) Address of business;
- (4) The identification number of the license issued by the Indiana Plumbing Commission;
- (5) In the instance of a corporation which is a licensed plumbing contractor, the name of all corporate officers or employees who hold a plumbing contractor's license and are authorized by the corporation to obtain building permits on behalf of the corporation for construction activity relative to which state licensure as a plumbing contractor is required.

(c) Such registration shall be for a two-year period, beginning on January 1 of any year ending in an even number and expiring on December 31 of the following year.

(d) Such registration shall terminate during the period of registration at such time as the person or corporation is not licensed by the Indiana Plumbing Commission as a plumbing contractor.

SECTION 69. Section 875-702 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 875-702. Examination fees.

Fees for examinations which are required as a condition to contractor licensure shall be in the amounts following, or be in the amounts established as the actual cost incurred by the ~~neighborhood and development services~~ division of compliance in having an outside organization prepare and grade such examinations, whichever amount shall be greater:

- (1) Electrical examination fee: One hundred dollars (\$100.00).
- (2) Heating and cooling examination fee: One hundred dollars (\$100.00).
- (3) Wrecking examination fee: One hundred dollars (\$100.00).

SECTION 70. Section 931-101 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 931-101. Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them in this section.

Attendant parking means the practice of having the motor vehicle handled by the registrant between the motor vehicle reservoir area and the parking area, and between the parking area and the exits.

Commercial parking facility means a lot or building which is used on a regular basis to provide space for the parking of more than five (5) motor vehicles. Any combination of one (1) or more lots or buildings which are both located contiguous to another lot or building or across a street or alley from another lot or building, and are operated by the same person shall be considered one (1) commercial parking facility; however, a lot or building which is provided solely for one (1) or more of the following uses:

- (1) By an employer for use of the employer's employees;
- (2) By a landlord for use of the landlord's tenants;
- (3) By a merchant or professional, selling goods or services, for use of the merchant's or professional's exclusive customers; or
- (4) By the owner of the lot or building, or by a charitable organization, for a period of no more than fourteen (14) consecutive days, and no more than thirty (30) days in a calendar year, for use in

connection with a distinct special event or activity outside the geographic area bounded by North, East, South, and West Streets;

shall not be considered a commercial parking facility.

Division of ~~permits~~ compliance means the division of compliance of the city department of metropolitan development ~~which is responsible for the enforcement of land use requirements and the promotion of responsible development through inspections and the issuance of permits.~~

Motor vehicle means any self-propelled wheeled vehicle similar to an automobile, truck, bus or motorcycle.

Motor vehicle reservoir area means the area at the entrance of a commercial parking facility between the property line and the point ten (10) feet beyond the point at which a ticket or claim check is given, a fee is paid or the registrant takes physical control of the motor vehicle for the purpose of handling it.

SECTION 71. Section 931-202 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 931-202. Registration information required; plot plan.

(a) A registration required by this article shall be made to the controller upon a registration form approved first by the division of ~~permits~~ compliance. The form shall include the following information and any other information which the division of ~~permits~~ compliance shall require:

- (1) The name and address of all persons who have a fee or leasehold interest in the real property on which the commercial parking facility is to be located;
- (2) The name and address of the person who proposes to operate the commercial parking facility; if the registrant is a firm, the name and address of each partner shall be given, and if the registrant is a corporation, the name and address of the resident agent and president shall be given;
- (3) The address of the commercial parking facility and legal description of the real estate on which it is to be located;
- (4) the number of square feet of the commercial parking facility, and the type of ground surface, pavement or floor surface;
- (5) The vehicle capacity of the commercial parking facility; and
- (6) The nature of the drainage system for any commercial parking facility lot which was constructed or placed in operation after July 1, 1971.

(b) A registrant under this article shall submit with the registration form a scale drawing or plot plan of the commercial parking facility, which shows the configuration of parking spaces, aisles, entrances, exits, barriers, outdoor signs, and motor vehicle reservoir areas; however, a registrant shall not be required to comply with this subsection if:

- (1) The commercial parking facility only uses attendant parking;
- (2) A scale drawing or plot plan which accurately reflects the information required by this subsection is on file in the division of ~~permits~~ compliance, and is identified in the form.

SECTION 72. Section 931-204 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 931-204. Investigation by division of ~~permits~~ compliance.

Prior to the approval or renewal of a registration under this article, the division of ~~permits~~ compliance shall investigate whether the commercial parking facility is in compliance with the provisions of this chapter and other applicable ordinances and statutes, and report its findings to the controller.

SECTION 73. Sections 931-206 and 931-207 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 931-206. Registration term; renewals.

- (a) All registrations issued under this article shall be valid for a period of one (1) year.
- (b) Prior to the time a registration under this chapter is renewed, the division of permits compliance shall inspect the commercial parking facility. If it is determined by the division of permits compliance that the commercial parking facility is in compliance with the provisions of this chapter, the controller shall renew the registration automatically and without application for renewal by the registrant, unless at the time of renewal the registration:
 - (1) Has been revoked or suspended; or
 - (2) Is the subject of administrative or judicial proceedings which have the potential to result in the revocation or suspension of the registration, in which case the registration may continue in effect until the conclusion of the administrative or judicial proceedings.

Sec. 931-207. Report of changes of circumstances.

If changes occur relative to a commercial parking facility during the time a registration is in force, of such a nature as to make the information stated on the registration form inaccurate or incomplete, the registrant shall supply corrected information in writing within thirty (30) days to the division of permits compliance.

SECTION 74. Sections 931-209 and 931-210 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 931-209. Temporary commercial parking facilities.

- (a) For purposes of this section, the term temporary commercial parking facility means and includes a commercial parking facility which is used as such:
 - (1) For no more than three (3) periods of thirty (30) days or less, and no more than a total of forty-five (45) days in a calendar year; or
 - (2) For no more than two (2) consecutive years, upon a showing that the owner of the land or building intends to develop it for a specified purpose other than a commercial parking facility, and that maintenance of the land or building in compliance with all the requirements of this chapter for such a limited period of time would cause undue economic waste.
- (b) All provisions of this chapter are applicable in full to temporary commercial parking facilities unless modified or exempted by this section.
- (c) The registration of a temporary commercial parking facility shall be made with the controller, shall meet the applicable requirements of this article for registration forms, and shall be submitted to the controller at least fourteen (14) calendar days prior to the anticipated first day of use. The registration form shall, in addition to the requirements of this article, also state the duration and reason for the temporary use.
- (d) The following additional exemptions or modifications of this chapter shall be effective with respect to temporary commercial parking facilities:
 - (1) Conspicuous outlining of motor vehicle reservoir areas with pavement paint shall not be required;
 - (2) The provisions of this chapter which relate to drainage and surfacing shall not apply;
 - (3) The provisions of this chapter which relate to wheel guards shall apply at the discretion of the division of permits compliance; and
 - (4) The provisions of this chapter which relate to signs are modified to permit temporary signs, and the "first hour" rate shall be posted on the sign unless hourly rates are charged.

Sec. 931-210. Revocation.

(a) The controller shall revoke any commercial parking facility registration issued under this article, upon delivery by the division of permits compliance of its written certification that the registrant:

- (1) Has failed, after having been notified in writing and given a period of twenty (20) days to do so, to correct an inaccurate statement of material importance in the registration form, either which was inaccurate as originally made or which became inaccurate because of changes which occurred relative to the commercial parking facility after the date of submission; or
- (2) Has knowingly made any false statement in the registration form.

(b) The controller may revoke any commercial parking facility registration if, upon investigation and after a hearing, the controller finds the registrant has failed, after having been notified in writing and given a period of ten (10) days to do so, to properly maintain a bond or insurance policy as required by this article.

SECTION 75. Sections 931-302 and 931-303 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 931-302. Surfacing and barriers.

(a) The ground or floor surface of every commercial parking facility shall be covered with concrete, brick, stone slab, asphaltic pavement or a similar durable and dust-free surface which meets the approval of the division of permits compliance. The ground or floor surface of the commercial parking facility shall be such as to provide a smooth, level surface for parking and shall be free of depressions, gaps, holes or similar surface aberrations. On due cause shown, the division of permits compliance may, in writing, allow the use, for a period of time not exceeding six (6) months after the commercial parking facility is opened, of a commercial parking facility which does not conform to this subsection.

(b) The motor vehicle parking area in every commercial parking facility shall be enclosed by barriers, except at places of entrance and exit. If a motor vehicle parking and storage area abuts a building, barriers shall be erected to prevent motor vehicles from striking the building. Such barriers shall be sufficient to stop a motor vehicle rolling at a rate of speed of five (5) miles per hour. The division of permits compliance, upon written request by the registrant, shall have the power to modify or waive this subsection where it is deemed by the division of permits compliance to be unnecessary and unreasonably burdensome.

Sec. 931-303. Entrances, exits and required reservoir area.

(a) Each commercial parking facility shall have at least one (1) entrance and exit, which may or may not be combined, which shall be adequate to afford safe and efficient ingress and egress to the commercial parking facility.

(b) Each commercial parking facility shall have a motor vehicle reservoir area at each entrance at which a ticket or claim check is given, a fee is paid, or the registrant under this chapter takes physical control of the motor vehicle for the purpose of handling it. In commercial parking facilities that consist of less than fifteen thousand (15,000) square feet of area used for aisles and parking, the motor vehicle reservoir area shall contain three (3), nine-foot by twenty-foot spaces. In all other commercial parking facilities, the motor vehicle reservoir area shall consist of four (4), nine-foot by twenty-foot spaces. The motor vehicle reservoir area shall be conspicuously outlined with pavement paint and shall not be used for the parking or storage of motor vehicles, except when all parking spaces are filled. On good cause shown, the division of permits compliance may, in writing, allow the use of a commercial parking facility which has a motor vehicle reservoir area which does not conform to the requirements of this subsection.

SECTION 76. Section 931-306 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 931-306. Landscaping requirements for commercial parking facilities not in a building.

(a) Any commercial parking facility that was constructed or placed in operation after July 1, 1971, and in which motor vehicles are not parked within a building, shall comply with the landscape requirements of this section. Any commercial parking facility that was constructed or placed in operation on or before July 1, 1971, and in which motor vehicles are not parked within a building, shall not be altered or modified so as to put it in further conflict with this section. If, however, a provision of a zoning ordinance, variance grant, parole covenant or commitment imposes a more stringent landscape and screening requirement than is found

in this section, the provisions of the zoning ordinance, variance grant, parole covenant or commitment shall be controlling.

(b) Yard requirements include the following.

- (1) Ten (10) percent of the lot surface area shall be devoted to yard area. "Lot surface area" shall not be considered to include a street right-of-way. Each yard shall be planted and adequately maintained in ground cover, which may include grass, and shrubbery or trees and shall be raised and defined by a six-inch curb.
- (2) Part of the yard area requirement shall be met by providing and maintaining a yard (buffer yard) at least five (5) feet in depth along each property line, except at places of entrance and exit, which is contiguous to a street or residential district. For the purpose of this subsection, the term "street" shall mean all designated streets except for any street which is less than thirty (30) feet in width and located within the geographic area bounded by North, East, South and West Streets.
- (3) An architectural screen may be permitted in lieu of the buffer yard, upon approval of the division of permits compliance as to design, material and placement of the architectural screen. The architectural screen shall be a wall or fence of ornamental block or brick, or a combination thereof. For each linear foot of architectural screen, the required number of square feet of yard area shall be reduced by two (2) square feet.

(c) Tree requirements include the following.

- (1) A minimum of one (1) live tree of a three-inch caliper size or larger for every two thousand five hundred (2,500) square feet of lot surface area shall be planted and maintained. The trees shall be located in the yard area.
- (2) Where an architectural screen is not permitted in lieu of a buffer yard, one (1) of the required trees shall be planted and maintained in the buffer yard for each fifty (50) linear feet of buffer yard.

(d) The division of permits compliance, upon request by the registrant and upon receiving a suitable alternative plan which meets the general objectives of this section, shall have the power to modify or waive, in writing, any landscape requirements which are deemed by the division of permits compliance to be unfeasible or unreasonably burdensome.

SECTION 77. Section 961-708 of the "Revised Code of the Consolidated City and County" hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 961-708. Enforcement.

Inspections may be made and action to enforce the provisions of this article may be taken by the division of permits compliance of the ~~city~~ department of metropolitan development, the office of the controller, or by any law enforcement agency. The division of permits compliance shall be responsible for making periodic inspections of cafe activity carried out in sidewalk sales areas.

SECTION 78. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 79. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 80. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 699, 2001. Councillor Tilford reported that the Municipal Corporations Committee heard Proposal No. 699, 2001 on January 14, 2002. The proposal, sponsored by Councillors Tilford and Short, initiates committee review of proposed IndyGo debt issuance not

to exceed \$5 million. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Nytes commended IndyGo for laying out the impact this debt issuance would have on the long-term financial plan.

Councillor Tilford moved, seconded by Councillor Short, for adoption. Proposal No. 699, 2001 was adopted on the following roll call vote; viz:

25 YEAS: Bainbridge, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Tilford

0 NAYS:

4 NOT VOTING: Black, Borst, Gray, Talley

Proposal No. 699, 2001 was retitled SPECIAL RESOLUTION NO. 6, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 6, 2002

A PROPOSAL FOR A SPECIAL RESOLUTION concerning the results of the Council's review of the proposed issuance by the Indianapolis Public Transportation Corporation of its General Obligation Bonds in an aggregate principal amount not to exceed Five Million Dollars (\$5,000,000) and approving and authorizing other actions in respect thereto.

WHEREAS, the Board of Directors (the "Board") of the Indianapolis Public Transportation Corporation ("IPTC"), has adopted a preliminary determination resolution making a preliminary determination to issue general obligation bonds in the aggregate principal amount not to exceed Five Million Dollars (\$5,000,000) ("Bonds") for the purposes of procuring funds to apply to the costs of the project specified in Exhibit A (the "Project"); and

WHEREAS, IC 36-3-6-9(c) provides that the City-County Council may review the issuance of bonds by IPTC, but that approval of the City-County Council is not required for the issuance of bonds by IPTC; and

WHEREAS, IC 5-1.4 provides that a "qualified entity", which term includes IPTC, may issue and sell its bonds or notes to The Indianapolis Local Public Improvement Bond Bank (the "Bond Bank"); and

WHEREAS, the Executive Director of the Bond Bank has expressed a willingness to purchase the Bonds in a negotiated sale subject to approval by the Board of Directors of the Bond Bank; and

WHEREAS, pursuant to Sec. 126-402 of the Revised Code of the Consolidated City of Indianapolis and Marion County ("Code"), the City-County Council has determined that the issuance of the Bonds should be reviewed; and

WHEREAS, pursuant to the Code, the Municipal Corporations Committee caused to be published a notice of a public hearing before the Committee to consider the testimony of IPTC with respect to the issuance of the Bonds, and such a hearing was held; and

WHEREAS, the Municipal Corporations Committee, after considering all the evidence presented, has recommended that the City-County Council express its non-binding approval of the issuance of the Bonds; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council does hereby express its non-binding approval of the issuance of general obligation bonds of IPTC, to be issued in an aggregate principal amount not to exceed Five Million Dollars (\$5,000,000) to apply on the costs of the Project, and hereby approves the sale of the Bonds to the Bond Bank.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 10, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 10, 2002 on January 16, 2002. The proposal approves a transfer of \$135,280 in the 2002 Budgets of the County Auditor and the Marion County Justice Agency (Drug Free Community Fund) to appropriate salaries per grant awards for Marion County Superior Court, County Prosecutor, and Marion County Justice Agency. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 10, 2002 was adopted on the following roll call vote; viz:

26 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Soards, Tilford
0 NAYS:
3 NOT VOTING: Gray, Smith, Talley

Proposal No. 10, 2002 was retitled FISCAL ORDINANCE NO. 7, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 7, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No.97, 2001) transferring and appropriating an additional One Hundred Thirty-five Thousand Two Hundred Eighty Dollars (\$135,280) in the Drug Free Community Fund for purposes of the County Auditor and the Marion County Justice Agency and reducing certain other appropriations from that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(i) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and the Marion County Justice Agency to appropriate salary dollars per grant awards for the Marion County Superior Court, Prosecutor's Office, and the Marion County Justice Agency.

SECTION 2. The sum of One Hundred Thirty-five Thousand Two Hundred Eighty Dollars (\$135,280) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>DRUG FREE COMMUNITY FUND</u>
1. Personal Services-fringes	23,000
 <u>MARION COUNTY JUSTICE AGENCY</u>	
1. Personal Services	112,280
TOTAL INCREASE	135,280

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>DRUG FREE COMMUNITY FUND</u>
3. Other Services and Charges	135,280
TOTAL DECREASE	135,280

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 702, 2001. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 702, 2001 on January 17, 2002. The proposal, sponsored by Councillors

SerVaas, Coughenour, Langsford, and Nytes, authorizes a change in parking restrictions for Monument Circle and the Monument Circle spokes. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Coughenour made the following motion:

Mr. President:

I move to recommend to the Council that Proposal No. 702, 2001, be amended by deleting the text of the proposal in its entirety and substituting therefore the attached amended version.

Councillor Langsford seconded the motion.

Councillor Boyd asked if there has been any Committee action on this substitute version of the proposal. Councillor Coughenour said that the amended version simply changes the time period allowable for parking from one hour to two hours.

The motion to amend Proposal No. 702, 2001 as per Councillor Coughenour's motion carried by a unanimous voice vote.

Councillor Borst asked if citizens can park as normal on Saturdays and Sundays. Councillor Coughenour said that this proposal allows parking up to two hours every day of the week between 6:00 a.m. and 9:00 p.m.

Councillor Horseman asked if these new hours still address the former problems of loitering. Councillor Coughenour said that this proposal makes all parking equal and less confusing, and she believes the 6:00 a.m. to 9:00 p.m. time frame will continue to address the loitering issues faced in the past. She stated that the majority of loitering issues were due to young people cruising the circle after 9:00 p.m. on weekend evenings.

Councillor Coughenour moved, seconded by Councillor Langsford, for adoption. Proposal No. 702, 2001, as amended, was adopted on the following roll call vote; viz:

25 YEAS: Bainbridge, Borst, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Soards, Tilford

2 NAYS: Black, Boyd

2 NOT VOTING: Smith, Talley

Proposal No. 702, 2001, as amended, was retitled GENERAL ORDINANCE NO. 4, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 4, 2002

PROPOSAL FOR A GENERAL ORDINANCE to amend the "Revised Code of the Consolidated City and County" regarding parking restrictions for Monument Circle and the Monument Circle spokes.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Sec. 621-126 of the "Revised Code of the Consolidated City and County," regarding parking time restricted on designated days, hereby is amended by the deletion of the following, to wit:

ON ANY DAY EXCEPT SATURDAYS,
SUNDAYS AND HOLIDAYS
THIRTY MINUTES
from 1:00 a.m. to 6:00 p.m.

Monument Circle on the outer curb

SECTION 2. Sec. 621-126 of the "Revised Code of the Consolidated City and County," regarding parking time restricted on designated days, hereby is amended by the addition of the following, to wit:

ON ANY DAY
TWO HOURS
from 6:00 a.m. to 9:00 p.m.

Monument Circle, Northwest Quadrant, on the outer curb, from Market Street to a point 215 feet north of Market Street

Monument Circle, Northwest Quadrant, on the outer curb, from a point 290 feet north of Market Street to Meridian Street

Monument Circle, Southeast Quadrant, on the outer curb, from Meridian Street to a point 168 feet east of Meridian Street

Monument Circle, Southeast Quadrant, on the outer curb, from a point 202 feet east of Meridian Street to Market Street

Monument Circle, Southwest Quadrant, on the outer curb, from Meridian Street to Market Street

SECTION 3. Sec. 621-202 of the "Revised Code of the Consolidated City and County," regarding parking meter zones designated, hereby is amended by the deletion of the following, to wit:

ONE HOUR

Market Street, both sides, from Illinois Street to Monument Circle

Market Street, both sides, from Monument Circle to Pennsylvania Street

Meridian Street, both sides, from Monument circle to Ohio Street

Meridian Street, both sides, from Washington Street to Monument Circle

SECTION 4. Sec. 621-125 of the "Revised Code of the Consolidated City and County," regarding stopping, standing and parking prohibited at designated locations on certain days and hours, hereby is amended by the addition of the following, to wit:

ON ANY DAY
from 9:00 p.m. to 6:00 a.m.

Market Street, on the north side, from Illinois Street to Monument Circle

Market Street, on the north side, from Monument Circle to a point 138 feet east of Monument Circle

Market Street, on the south side, from Illinois Street to a point 31 feet east of Illinois Street

Market Street, on the south side, from a point 73 feet east of Illinois Street to Monument Circle

Market Street, on the south side, from Monument Circle to Pennsylvania Street

Meridian Street, on both sides, from Monument Circle to Ohio Street

Meridian Street, on the east side, from Washington Street to a point 189 feet north of Washington Street

Meridian Street, on the west side, from a point 145 feet north of Washington Street to Monument Circle

Monument Circle, Northwest Quadrant, on the outer curb, from Market Street to a point 215 feet north of Market Street

Monument Circle, Northwest Quadrant, on the outer curb, from a point 290 feet north of Market Street to Meridian Street

Monument Circle, Southeast Quadrant, on the outer curb, from Meridian Street to a point 168 feet east of Meridian Street

Monument Circle, Southeast Quadrant, on the outer curb, from a point 202 feet east of Meridian Street to Market Street

Monument Circle, Southwest Quadrant, on the outer curb, from Meridian Street to Market Street

SECTION 5. Sec. 621-202 of the "Revised Code of the Consolidated City and County", regarding parking meter zones designated, hereby is amended by the addition of the following, to wit:

TWO HOURS

Market Street, on the north side, from Illinois Street to Monument Circle

Market Street, on the north side, from Monument Circle to a point 138 feet east of Monument Circle

Market Street, on the south side, from a point 73 feet east of Illinois Street to Monument Circle

Market Street, on the south side, from Monument Circle to Pennsylvania Street

Meridian Street, both sides, from Monument Circle to Ohio Street

Meridian Street, on the east side, from Washington Street to a point 189 feet north of Washington Street

Meridian Street, on the west side, from a point 145 feet north of Washington Street to Monument Circle

Monument Circle, Northwest Quadrant, on the outer curb, from Market Street to a point 215 feet north of Market Street

Monument Circle, Northwest Quadrant, on the outer curb, from a point 290 feet north of Market Street to Meridian Street

Monument Circle, Southeast Quadrant, on the outer curb, from Meridian Street to a point 168 feet east of Meridian Street

Monument Circle, Southeast Quadrant, on the outer curb, from a point 202 feet east of Meridian Street to Market Street

Monument Circle, Southwest Quadrant, on the outer curb, from Meridian Street to Market Street

SECTION 6. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Councillor Coughenour reported that the Public Works Committee heard Proposal Nos. 703 and 704, 2001 and Proposal Nos. 19-31, 2002 on January 17, 2002. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 703, 2001. The proposal, sponsored by Councillor Massie, authorizes a weight limit restriction for East Street between Troy Avenue and Southern Avenue (District 20). PROPOSAL NO. 704, 2001. The proposal, sponsored by Councillors Brents and Short, authorizes parking restrictions on the west side of East Street from South Street to Interstate 70 (Districts 16, 21). PROPOSAL NO. 19, 2002. The proposal, sponsored by Councillors Black and Nytes, authorizes a multi-way stop at 42nd Street and Park Avenue (Districts 6, 22). PROPOSAL NO. 20, 2002. The proposal, sponsored by Councillor Moriarty Adams, authorizes

a multi-way stop at 9th Street and Denny Street (District 15). PROPOSAL NO. 21, 2002. The proposal, sponsored by Councillor Knox, authorizes a multi-way stop at 12th Street and Livingston Avenue (District 17). PROPOSAL NO. 22, 2002. The proposal, sponsored by Councillor Soards, authorizes a multi-way stop at 88th Street and Cooper Road (District 1). PROPOSAL NO. 23, 2002. The proposal, sponsored by Councillor Massie, authorizes a multi-way stop at Brunswick Avenue and Laurel Street (District 20). PROPOSAL NO. 24, 2002. The proposal, sponsored by Councillor Dowden, authorizes intersection controls at Ravine Road and White Oak Court (District 4). PROPOSAL NO. 25, 2002. The proposal, sponsored by Councillor Brents, authorizes a multi-way stop at Sheffield Avenue and St. Clair Street (District 16). PROPOSAL NO. 26, 2002. The proposal, sponsored by Councillor Brents, authorizes a multi-way stop at 20th Street and Medford Avenue (District 16). PROPOSAL NO. 27, 2002. The proposal, sponsored by Councillor Brents, authorizes parking restrictions on the south side of New York Street from Pierson Street to Meridian Street (District 16). PROPOSAL NO. 28, 2002. The proposal, sponsored by Councillor Nytes, authorizes parking restrictions on the south side of 25th Street between Dr. A. J. Brown Avenue and Sheldon Street (District 22). PROPOSAL NO. 29, 2002. The proposal, sponsored by Councillor Borst, authorizes parking restrictions on the east side of Talbott Street between Terrace Avenue and Orange Street (District 25). PROPOSAL NO. 30, 2002. The proposal, sponsored by Councillor Soards, authorizes parking restrictions on Georgetown Road and 71st Street (District 1). PROPOSAL NO. 31, 2002. The proposal, sponsored by Councillor Knox, authorizes a weight limit restriction on Maywood Road from Tibbs Avenue to Warman Avenue (District 17). By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Coughenour moved, seconded by Councillor Soards, for adoption. Proposal Nos. 703 and 704, 2001 and Proposal Nos. 19-31, 2002 were adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Soards, Tilford

0 NAYS:

2 NOT VOTING: Smith, Talley

Proposal No. 703, 2001 was retitled GENERAL ORDINANCE NO. 5, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 5, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-364, Trucks on certain streets restricted.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-364, Trucks on certain streets restricted, be and the same is hereby amended by the addition of the following, to wit:

11,000 POUNDS GROSS WEIGHT

East Street, from Troy Avenue to Southern Avenue

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 704, 2001 was retitled GENERAL ORDINANCE NO. 6, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 6, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

East Street, on the west side, from South Street to I-70

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 19, 2002 was retitled GENERAL ORDINANCE NO. 7, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 7, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
18	Park Av 42 nd St	42 nd St	Stop
18	Ruckle St 42 nd St	None	All Way Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
18	Park Av 42 nd St	None	All Way Stop
18	Ruckle St 42 nd St	42 nd St	Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 20, 2002 was retitled GENERAL ORDINANCE NO. 8, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 8, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
26	9 th St Denny St	Denny St	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
26	9 th St Denny St	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 21, 2002 was retitled GENERAL ORDINANCE NO. 9, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 9, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
23	12 th St Livingston Av	Livingston Av	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
23	12 th St Livingston Av	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 22, 2002 was retitled GENERAL ORDINANCE NO. 10, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 10, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
1	88 th St Cooper Rd	88 th St	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
1	88 th St Cooper Rd	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 23, 2002 was retitled GENERAL ORDINANCE NO. 11, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 11, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
39	Brunswick Av Laurel St	Laurel St	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
39	Brunswick Av Laurel St	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 24, 2002 was retitled GENERAL ORDINANCE NO. 12, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 12, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
12	Ravine Rd White Oak Ct	White Oak Ct	Yield

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 25, 2002 was retitled GENERAL ORDINANCE NO. 13, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 13, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
24	Sheffield Av St. Clair St	Sheffield Av	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
24	Sheffield Av St. Clair St	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 26, 2002 was retitled GENERAL ORDINANCE NO. 14, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 14, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA: -

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
24	20 th St Medford Av	Medford Av	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
24	20 th St Medford Av	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 27, 2002 was retitled GENERAL ORDINANCE NO. 15, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 15, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be and the same is hereby amended by the addition of the following, to wit:

New York Street, on the south side, from Pierson Street to Meridian Street

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 28, 2002 was retitled GENERAL ORDINANCE NO. 16, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 16, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be and the same is hereby amended by the addition of the following, to wit:

Twenty-fifth Street, on the south side, from Dr. A. J. Brown Avenue to a point
30 feet east of Arsenal Avenue

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 29, 2002 was retitled GENERAL ORDINANCE NO. 17, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 17, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

Talbott Street, on the east side, from Terrace Avenue to Orange Street

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-34-14.

Proposal No. 30, 2002 was retitled GENERAL ORDINANCE NO. 18, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 18, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the deletion of the following, to wit:

Georgetown Road, on the east side, from 71st Street to a point 500 feet south of 71st Street

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

Georgetown Road, on the both sides, from a point 500 feet south of 71st Street
to a point 800 feet north of 71st Street

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-34-14.

Proposal No. 31, 2002 was retitled GENERAL ORDINANCE NO. 19, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 19, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-364, Trucks on certain streets restricted.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-364, Trucks on certain streets restricted, be and the same is hereby amended by the deletion of the following, to wit:

20,000 POUNDS GROSS WEIGHT

Maywood Road, from Gimber Street and Tibbs Avenue to 1,000 feet east of Arnolda Avenue

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-364, Trucks on certain streets restricted, be and the same is hereby amended by the addition of the following, to wit:

10,000 POUNDS GROSS WEIGHT

Maywood Road, from Gimber Street and Tibbs Avenue to Warman Avenue

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

**SPECIAL SERVICE DISTRICT COUNCILS
POLICE SPECIAL SERVICE DISTRICT
SPECIAL ORDERS - PUBLIC HEARING**

President SerVaas convened the Police Special Service District Council.

PROPOSAL NO. 5, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 5, 2002 on January 16, 2002. The proposal, sponsored by Councillors Dowden and Moriarty Adams, approves an appropriation of \$2,849,006 in the 2002 Budget of the Department of Public Safety, Police Division (Police General Fund) to restore budget cuts made by the State Board of Tax Commissioners because the budget passed by City-County Council in September 2001 exceeded the amount advertised by the City, financed by fund balances. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

President SerVaas called for public testimony at 9:16 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 5, 2002 was adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Soards, Tilford

0 NAYS:

2 NOT VOTING: Smith, Talley

Proposal No. 5, 2002 was retitled POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 2002, and reads as follows:

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 2002

A FISCAL ORDINANCE amending the Police Special Service District Budget for 2002 (Police Special Service District Ordinance No. 3, 2001) appropriating Two Million Eight Hundred Forty-nine Thousand and Six Dollars (\$2,849,006) in the Police General Fund for purposes of the Department of Public Safety, Police Division, and reducing the unappropriated and unencumbered balance in the Police General Fund.

**BE IT ORDAINED BY THE POLICE SPECIAL SERVICE DISTRICT COUNCIL
OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 of the Police Special Service District Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division, to restore appropriations cut by the State Board of Tax Commissioners, cuts which were required because the budget passed by City-County Council in September 2001 exceeded the amount advertised by the City.

SECTION 2. The sum of Two Million Eight Hundred Forty-nine Thousand and Six Dollars (\$2,849,006) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC SAFETY

POLICE DIVISION

- 4. Capital Outlay
- 5. Internal Charges
- TOTAL INCREASE

POLICE GENERAL FUND

728,957
2,120,049
2,849,006

Section 4. The said additional appropriation is funded by the following reductions:

POLICE GENERAL FUND

- Unappropriated and Unencumbered
- Police General Fund
- TOTAL REDUCTION

2,849,006
2,849,006

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

**FIRE SPECIAL SERVICE DISTRICT
SPECIAL ORDERS - PUBLIC HEARING**

President SerVaas convened the Fire Special Service District Council.

PROPOSAL NO. 6, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 6, 2002 on January 16, 2002. The proposal, sponsored by Councillors Dowden and Moriarty Adams, approves an appropriation of \$2,366,905 in the 2002 Budget of the Department of Public Safety, Fire Division (Fire General Fund) to restore budget cuts made by the State Board of Tax Commissioners because the budget passed by City-County Council in September 2001 exceeded the amount advertised by the City, financed by fund balances. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 9:16 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 6, 2002 was adopted on the following roll call vote; viz:

25 YEAS: Bainbridge, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Sanders, Schneider, SerVaas, Short, Soards, Tilford

0 NAYS:

4 NOT VOTING: Black, Nytes, Smith, Talley

Proposal No. 6, 2002 was retitled FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 2002, and reads as follows:

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 2002

A FISCAL ORDINANCE amending the Fire Special Service District Budget for 2002 (City-County Fire Special Service District Ordinance No. 4, 2001) appropriating Two Million Three Hundred Sixty-six Thousand Nine Hundred Five Dollars (\$2,366,905) in the Fire General Fund for purposes of the Department of Public Safety, Fire Division, and reducing the unappropriated and unencumbered balance in the Fire General Fund.

BE IT ORDAINED BY THE FIRE SPECIAL SERVICE DISTRICT COUNCIL
OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 of the Fire Special Service District Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Fire Division, to restore appropriations cut by the State Board of Tax Commissioners, cuts which were required because the budget passed by City-County Council in September 2001 exceeded the amount advertised by the City.

SECTION 2. The sum of Two Million Three Hundred Sixty-six Thousand Nine Hundred Five Dollars (\$2,366,905) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC SAFETY

FIRE DIVISION

4. Capital Outlay

TOTAL INCREASE

FIRE GENERAL FUND

2,366,905

2,366,905

Section 4. The said additional appropriation is funded by the following reductions:

FIRE GENERAL FUND

Unappropriated and Unencumbered

Fire General Fund

TOTAL REDUCTION

2,366,905

2,366,905

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

President SerVaas reconvened the City-County Council.

NEW BUSINESS

Mr. Elrod read the following announcement:

Mr. President:

This Council will hold a public hearing on Rezoning Petition No. 2001-ZON-085, Council Proposal No. 58, 2002, at its next regular meeting on February 11, 2002, such meeting to convene at 7:00 p.m. in these Council Chambers in the City-County Building in Indianapolis. This petition proposes to rezone 3.339 acres at 4665 West 16th Street from D-7 (FW) (FF) District to C-4 (FW) (FF) to legally establish a motel.

Written objections that are filed with the Clerk of the Council shall be heard at such time, or the hearing may be continued from time to time as found necessary by the Council.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Horseman in memory of Stephanie Klapper and William Eugene Harston, Sr.;
- (2) Councillor Dowden in memory of Dr. Walter Fischer; and
- (3) Councillor Nytes in memory of Lois Bartz.

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Stephanie Klapper, William Eugene Harston, Sr., Dr. Walter Fischer, and Lois Bartz. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:20 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 28th day of January, 2002.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.



President

ATTEST:



Clerk of the Council

(SEAL)

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, FEBRUARY 11, 2002**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:09 p.m. on Monday, February 11, 2002, with President SerVaas presiding.

Councillor Talley led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

President SerVaas instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

28 PRESENT: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford
1 ABSENT: Sanders

A quorum of twenty-eight members being present, the President called the meeting to order.
[Clerk's Note: Councillor Sanders arrived at 7:21 p.m.]

INTRODUCTION OF GUESTS AND VISITORS

Councillor Tilford recognized Norman Pace, land use chairman for the Marion County Alliance of Neighborhood Associations (MCANA) and board member of the Warren Township Development Association.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE
COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND
MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, February 11, 2002, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Beurt SerVaas
President, City-County Council

January 29, 2002

TO PRESIDENT SERVAAS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* on Wednesday, January 30, 2002 and in the *Indianapolis Star* on Thursday, January 31, 2002, a copy of a Public Hearing on Proposal Nos. 40, 43-46, and 58, 2002, said hearing to be held on Monday, February 11, 2002, at 7:00 p.m. in the City-County Building, and Legal Notice of Special Resolution No. 5, 2002.

Respectfully,
s/Suellen Hart
Clerk of the City-County Council

February 8, 2002

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Suellen Hart, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 3, 2002 - approves an increase of \$23,715 in the 2002 Budget of the Marion County Justice Agency (State and Federal Grants Fund) for the development of the Indianapolis Violence Reduction Partnership Crime Database Web Application, funded by a grant from the Indiana Criminal Justice Institute (Local match of \$7,950 is funded by existing appropriations in the Marion County Justice Agency budget.)

FISCAL ORDINANCE NO. 4, 2002 - approves an increase of \$505,506 in the 2002 Budgets of the County Auditor and Community Corrections (Home Detention Fund) to appropriate the second half of fiscal year 2001-2002 Home Detention Fund to fund personnel, home detention equipment, and office supplies

FISCAL ORDINANCE NO. 7, 2002 - approves a transfer of \$135,280 in the 2002 Budgets of the County Auditor and the Marion County Justice Agency (Drug Free Community Fund) to appropriate salaries per grant awards for Marion County Superior Court, County Prosecutor, and Marion County Justice Agency

GENERAL ORDINANCE NO. 1, 2002 - amends Chapter 536 of the Revised Code regarding building standards and procedures

GENERAL ORDINANCE NO. 3, 2002 - reorganizes the division of permits of the department of metropolitan development under the new name "division of compliance," to assign certain powers and duties to such division including duties previously assigned to other divisions and departments, and to make corresponding technical corrections to numerous sections of the Code

GENERAL ORDINANCE NO. 4, 2002 - authorizes a change in parking restrictions for Monument Circle and the Monument Circle spokes

GENERAL ORDINANCE NO. 5, 2002 - authorizes a weight limit restriction for East Street between Troy Avenue and Southern Avenue (District 20)

GENERAL ORDINANCE NO. 6, 2002 - authorizes parking restrictions on the west side of East Street from South Street to Interstate 70 (Districts 16, 21)

GENERAL ORDINANCE NO. 7, 2002 - authorizes a multi-way stop at 42nd Street and Park Avenue (Districts 6, 22)

GENERAL ORDINANCE NO. 8, 2002 - authorizes a multi-way stop at 9th Street and Denny Street (District 15)

GENERAL ORDINANCE NO. 9, 2002 - authorizes a multi-way stop at 12th Street and Livingston Avenue (District 17)

GENERAL ORDINANCE NO. 10, 2002 - authorizes a multi-way stop at 88th Street and Cooper Road (District 1)

GENERAL ORDINANCE NO. 11, 2002 - authorizes a multi-way stop at Brunswick Avenue and Laurel Street (District 20)

GENERAL ORDINANCE NO. 12, 2002 - authorizes intersection controls at Ravine Road and White Oak Court (District 4)

GENERAL ORDINANCE NO. 13, 2002 - authorizes a multi-way stop at Sheffield Avenue and St. Clair Street (District 16)

GENERAL ORDINANCE NO. 14, 2002 - authorizes a multi-way stop at 20th Street and Medford Avenue (District 16)

GENERAL ORDINANCE NO. 15, 2002 - authorizes parking restrictions on the south side of New York Street from Pierson Street to Meridian Street (District 16)

GENERAL ORDINANCE NO. 16, 2002 - authorizes parking restrictions on the south side of 25th Street between Dr. A. J. Brown Avenue and Sheldon Street (District 22)

GENERAL ORDINANCE NO. 17, 2002 - authorizes parking restrictions on the east side of Talbott Street between Terrace Avenue and Orange Street (District 25)

GENERAL ORDINANCE NO. 18, 2002 - authorizes parking restrictions on Georgetown Road and 71st Street (District 1)

GENERAL ORDINANCE NO. 19, 2002 - authorizes a weight limit restriction on Maywood Road from Tibbs Avenue to Warman Avenue (District 17)

SPECIAL RESOLUTION NO. 2, 2002 - recognizes retiring Indianapolis Police Department Captain Cephas L. Bandy for his 41 years of police service

SPECIAL RESOLUTION NO. 3, 2002 - recognizes the Marion County Auditor's Office for earning the Government Finance Officers Association's Budget Presentation and Financial Reporting Awards

SPECIAL RESOLUTION NO. 4, 2002 - an inducement resolution for Pleasant Run Apartments not to exceed \$13,000,000 which consists of the acquisition and rehabilitation of a 252-unit apartment complex on an approximately 16 acre parcel of land located at 1366 North Arlington Ave. (District 12)

SPECIAL RESOLUTION NO. 5, 2002 - approves the preliminary determination for Marion County to amend its lease with Building Authority in connection with its financing of improvements to a portion of the structures and improvements located at 730 East Washington Street and 752 East Market Street

SPECIAL RESOLUTION NO. 6, 2002 - initiates committee review of proposed IndyGo debt issuance not to exceed \$5 million

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 2002 - approves an appropriation of \$2,849,006 in the 2002 Budget of the Department of Public Safety, Police Division (Police General Fund) to restore budget cuts made by the State Board of Tax Commissioners because the budget passed by City-County Council in September 2001 exceeded the amount advertised by the City, financed by fund balances

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 2002 - approves an appropriation of \$2,366,905 in the 2002 Budget of the Department of Public Safety, Fire Division (Fire General Fund) to restore budget cuts made by the State Board of Tax Commissioners because the budget passed by City-County Council in September 2001 exceeded the amount advertised by the City, financed by fund balances

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of January 28, 2002. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 79, 2002. The proposal, sponsored by Councillors Boyd and Schneider, congratulates the Arlington High School Golden Knights boys basketball team for winning the 63rd annual city tournament. Councillor Boyd read the proposal and presented representatives with copies of the document and Council pins. Principal Jackie Greenwood, Coaches Larry Knicks and Robbie Phillips, and senior players Jason Bell and Russell Peterson thanked the Council for the recognition. Councillor Schneider said that he was a teammate of Assistant Coach Phillips in high school and played under the direction of Coach Knicks, and he commended them for their achievements. Councillors Gibson and Horseman commended the team on their accomplishments. Councillor Coughenour commended Principal Greenwood for also initiating internships for students at the wastewater treatment plant and for partnering with community organizations to enrich the lives of students. Councillor Boyd moved, seconded by Councillor Schneider, for adoption. Proposal No. 79, 2002 was adopted by a unanimous voice vote.

Proposal No. 79, 2002 was retitled SPECIAL RESOLUTION NO. 7, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 7, 2002

A SPECIAL RESOLUTION congratulating the Arlington High School Golden Knights boys basketball team for winning the 63rd annual City Tournament.

WHEREAS, it was a typical Hoosier pressure-packed basketball game on Tuesday night, January 22nd in the Arsenal Technical High School gym where 2,500 fans gathered to witness the 63rd annual Indianapolis City Tournament championship game featuring 11-3 Arlington vs. 10-5 Northwest; and

WHEREAS, the Arlington Golden Knights won the City Tournament in 1972, 1979, 1997 and 2000, and Northwest won it in 1976 and again in 1984, and on this night with less than five minutes to play, the score was tied 60-60; and

WHEREAS, Arlington Coach Larry Knicks gathered the players and told them to stay level-headed and not to get caught up in all of the hype; and

WHEREAS, after a series of some dead-eye field goals and very important free throws, the Golden Knights prevailed 76-71; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes and congratulates the Arlington Golden Knights for winning the 2002 boys basketball City Tournament.

SECTION 2. The Council specifically salutes the winning team members: Marcus Minor, Jamar Thomas, Deonata Vaughn, Jason Blair, Antwan Alexander, Johnny Stevenson, Brandon Sherrell, Russell Peterson, Jeremy Gilbert, David Squires, Jason Bell, and Delco Rowley.

SECTION 3. Also commended are Arlington's coaches, school administrators, teachers and employees, the student and community fans of Arlington, and all of the supportive parents, grandparents and family members whose words and deeds have helped put this team on top.

SECTION 4. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 81, 2002. The proposal, sponsored by Councillor Coonrod, congratulates Alan Dhayer and Indianapolis Cable TV Channel 16 for receiving a national public awareness award from Mothers Against Drunk Drivers. Councillor Coonrod read the proposal and presented representatives with copies of the document and Council pins. Cable Communications Agency director Rick Maultra and Marie Geiger Smith, president of Central Indiana Mothers Against Drunk Drivers (MADD), congratulated Mr. Dhayer on his accomplishment and thanked him for his efforts on behalf of Channel 16 and MADD. Mr. Dhayer thanked the Council for the recognition. Councillor Coonrod moved, seconded by Councillor Soards, for adoption. Proposal No. 81, 2002 was adopted by a unanimous voice vote.

Proposal No. 81, 2002 was retitled SPECIAL RESOLUTION NO. 8, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 8, 2002

A SPECIAL RESOLUTION congratulating Alan Dhayer and Indianapolis Cable TV Channel 16 for receiving a national public awareness award from Mothers Against Drunk Drivers.

WHEREAS, Mothers Against Drunk Driving, or MADD, is a national organization founded in 1980 which now has 600 local affiliate chapters in all 50 states; and

WHEREAS, its mission is to stop drunk driving, support the victims of alcohol-related crashes, and to prevent underage drinking; and

WHEREAS, since MADD was organized, alcohol related fatal accidents have decreased by 20%, but still nearly 70% of all New Year's Day and almost 60% of Super Bowl Sunday traffic fatalities involve alcohol; and

WHEREAS, eight years ago Alan Dhayer of Indianapolis Cable TV Channel 16 saw a televised report about drinking and driving, and how some people even showed up drunk at their MADD victim impact panel meetings; and

WHEREAS, Mr. Dhayer was so incensed, that after getting the blessing of his bosses, he began a series of public awareness programs related to drinking and driving that included 25 public service ads, coverage of MADD meetings and victim impact panels, and in-kind production work for that organization; and

WHEREAS, Dhayer and Channel 16 were honored by the national MADD organization with the Micky-Sadoff Award for public awareness and education, the only government access station to win this prestigious award; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council congratulates Alan Dhayer and Indianapolis Cable TV Channel 16 for earning a national award for their work to reduce drunken driving and underage drinking.

SECTION 2. The Council commends this work to help make Indianapolis streets more safe.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

President SerVaas stated that Proposal Nos. 707, 709-711, 730, 731, and 737, 2001 and Proposal Nos. 1, 42, 56, and 57, 2002 are all appointments that passed out of their respective Committees with do pass recommendations. He asked for consent to vote on these proposals together. Councillor Dowden said that Proposal No. 731, 2001 did not come out of Committee with a

unanimous recommendation, and he would like a separate vote on this proposal. Consent was given to vote on Proposal Nos. 707, 709-711, 730, and 737, 2001 and Proposal Nos. 1, 42, 56, and 57, 2002 together.

PROPOSAL NO. 731, 2001. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 731, 2001 on January 16 and 30, 2002. The proposal reappoints Lucinda Meyer to the Animal Care and Control Board. By a 5-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Borst, for adoption. Proposal No. 731, 2001 was adopted by a voice vote.

Proposal No. 731, 2001 was retitled COUNCIL RESOLUTION NO. 41, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 41, 2002

A COUNCIL RESOLUTION reappointing Lucinda Meyer to the Animal Care and Control Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Animal Care and Control Board, the Council reappoints:

Lucinda Meyer

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

PROPOSAL NO. 707, 2001. The proposal, sponsored by Councillor Coonrod, reappoints Paul Ricketts to the City-County Administrative Board. PROPOSAL NO. 709, 2001. The proposal, sponsored by Councillor Coonrod, reappoints Sarah Taylor to the Information Technology Board. PROPOSAL NO. 710, 2001. The proposal, sponsored by Councillor Coonrod, reappoints Edward Tunstall to the Information Technology Board. PROPOSAL NO. 711, 2001. The proposal, sponsored by Councillor Coonrod, reappoints Martha A. Womacks to the Information Technology Board. PROPOSAL NO. 730, 2001. The proposal, sponsored by Councillor Dowden, reappoints Carol Ryan to the Animal Care and Control Board. PROPOSAL NO. 737, 2001. The proposal, sponsored by Councillor Dowden, reappoints Pat Pritchett to the Marion County Community Corrections Advisory Board. PROPOSAL NO. 1, 2002. The proposal, sponsored by Councillor Boyd, approves the Mayor's appointment of Brenda L. Burke as the Director of the Department of Administration. PROPOSAL NO. 42, 2002. The proposal, sponsored by Councillor Dowden, confirms the Marion County Public Defender Board's nomination of David Cook as Marion County Chief Public Defender. PROPOSAL NO. 56, 2002. The proposal, sponsored by Councillor Dowden, reappoints Bruce Laetsch to the Citizens Police Complaint Board. PROPOSAL NO. 57, 2002. The proposal, sponsored by Councillor Dowden, appoints David J. Certo to the Citizens Police Complaint Board. By unanimous votes, the Committees reported the proposals to the Council with the recommendation that they do pass. Councillor Borst moved, seconded by Councillor Dowden, for adoption. Proposal Nos. 707, 709-711, 730, and 737, 2001 and Proposal Nos. 1, 42, 56, and 57, 2002 were adopted by a unanimous voice vote.

Proposal No. 707, 2001 was retitled COUNCIL RESOLUTION NO. 31, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 31, 2002

A COUNCIL RESOLUTION reappointing Paul Ricketts to the City-County Administrative Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the City-County Administrative Board, the Council reappoints:

Paul Ricketts

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 709, 2001 was retitled COUNCIL RESOLUTION NO. 32, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 32, 2002

A COUNCIL RESOLUTION reappointing Sarah Taylor to the Information Technology Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Information Technology Board, the Council reappoints:

Sarah Taylor

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 710, 2001 was retitled COUNCIL RESOLUTION NO. 33, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 33, 2002

A COUNCIL RESOLUTION reappointing Edward Tunstall to the Information Technology Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Information Technology Board, the Council reappoints:

Edward Tunstall

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2003. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 711, 2001 was retitled COUNCIL RESOLUTION NO. 34, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 34, 2002

A COUNCIL RESOLUTION reappointing Martha A. Womacks to the Information Technology Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Information Technology Board, the Council reappoints:

Martha A. Womacks

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 730, 2001 was retitled COUNCIL RESOLUTION NO. 35, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 35, 2002

A COUNCIL RESOLUTION reappointing Carol Ryan to the Animal Care and Control Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Animal Care and Control Board, the Council reappoints:

Carol Ryan

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 737, 2001 was retitled COUNCIL RESOLUTION NO. 36, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 36, 2002

A COUNCIL RESOLUTION reappointing Pat Pritchett to the Marion County Community Corrections Advisory Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Marion County Community Corrections Advisory Board, the Council reappoints:

Pat Pritchett

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2005. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 1, 2002 was retitled COUNCIL RESOLUTION NO. 37, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 37, 2002

A COUNCIL RESOLUTION approving the Mayor's appointment of Brenda L. Burke as the Director of the Department of Administration for a term ending December 31, 2002.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-3 of the "Revised code of the Consolidated City and County," a mayoral appointment of the Director of the Department of Administration is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Brenda L. Burke to serve as Director of the Department of Administration at his pleasure for a term ending December 31, 2002; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Brenda L. Burke is approved and confirmed by the City-County Council to serve as the Director of the Department of Administration for a term ending December 31, 2002.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 42, 2002 was retitled COUNCIL RESOLUTION NO. 38, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 38, 2002

A COUNCIL RESOLUTION confirming the Marion County Public Defender Board's nomination of David Cook as Marion County Chief Public Defender.

WHEREAS, pursuant to Sec. 286-4 of the "Revised Code of the Consolidated City and County," a Marion County Public Defender Board nomination of the Marion County Chief Public Defender is subject to the annual confirmation of the City-County Council; and

WHEREAS, the Marion County Public Defender Board has submitted to this Council the name of David Cook to serve as Marion County Chief Public Defender; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. David Cook is approved and reconfirmed by the City-County Council to serve as Marion County Chief Public Defender.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 56, 2002 was retitled COUNCIL RESOLUTION NO. 39, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 39, 2002

A COUNCIL RESOLUTION reappointing Bruce Laetsch to the Citizens Police Complaint Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Citizens Police Complaint Board, the Council reappoints:

Bruce Laetsch

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 57, 2002 was retitled COUNCIL RESOLUTION NO. 40, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 40, 2002

A COUNCIL RESOLUTION appointing David J. Certo to the Citizens Police Complaint Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Citizens Police Complaint Board, the Council appoints:

David J. Certo

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 70, 2002. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Mac J. Martin to the Board of Zoning Appeals Division II"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 71, 2002. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints James R. Holden to the Public Housing Board"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 72, 2002. Introduced by Councillor Bradford. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$2,983 in the 2002 Budget of the County Auditor (Child Advocacy Fund) to support the continuation of an interdisciplinary response to child abuse and neglect situations for the Family Advocacy Center (per Indiana Code 12-17-12-2), financed by fund balances"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 73, 2002. Introduced by Councillors Cockrum and Short. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$500,000 in the 2002 Budget of the Department of Parks and Recreation (Federal Grants Fund) to renovate the parking lot, pool and bathhouse; and to add new basketball courts, additional landscaping and trails at Willard Park, financed by federal funds (Urban Park and Recreation Recovery Program) (Local match of \$214,285 is funded by existing appropriations in the Department of Parks and Recreation budget.)"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 74, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$5,000 in the 2002 Budget of the County Sheriff (State and Federal Grants Fund) for a one time reimbursement for one officer assigned to the U.S. Marshal Services' Operation Failed Chance Task Force, funded by a grant from United States Marshals Service"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 75, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$12,928 in the 2002 Budget of the Marion County Justice Agency (Law Enforcement Fund) to purchase computer equipment for the County Sheriff, financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 76, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$7,631 (Law Enforcement Equitable Share Fund) in the 2002 Budget of the Marion County Justice Agency to purchase computer equipment for the County Sheriff, financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 77, 2002. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$349,600 in the 2002 Budgets of the County Auditor and Forensic Services Agency (Forensic Services Training Fund) to carry out the functions and duties of the laboratory, funded from the fees for training foreign and domestic students in forensic analysis and crime scene services"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 78, 2002. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls on 27th and 28th Streets at Shriver Avenue (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 82, 2002. Introduced by Councillor Coonrod. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends dates for appointment and report of County Salary Recommendation Panel"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 85, 2002. Introduced by Councillors Borst and Soards. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which urges the city to conduct local public hearings for the new comprehensive land use plan"; and the President referred it to the Rules and Public Policy Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 83 and 84, 2002. Introduced by Councillor Smith. Proposal Nos. 83 and 84, 2002 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on February 6, 2002. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 17 and 18, 2002, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 17, 2002.

2001-ZON-094 (Amended)

6410 CARROLL ROAD (approximate address), CITY OF LAWRENCE.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 5

DOUGLAS G. SMITH AND COMPANY, INC., by Thomas Michael Quinn, requests a rezoning of 49.64 acres, being in the D-A (FF) District, to the D-2 (FF) classification to provide for the development of single-family housing.

REZONING ORDINANCE NO. 18, 2002.

2001-ZON-140

4700 EAST COUNTY LINE ROAD (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24

J. GREG ALLEN AND ASSOCIATES requests a rezoning of 12.89 acres, being in the D-A District, to the C-4 classification to provide for office and retail uses.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 58, 2002. The proposal, sponsored by Councillor Smith, proposes to rezone 3.339 acres at 4665 West 16th Street in Wayne Township, Councilmanic District 8, being in the D-7 (FW) (FF) District to the C-4 (FW) (FF) classification to legally establish a motel (2001-

ZON-085). On January 28, 2002, Councillor Bainbridge called Proposal No. 58, 2002 out for public hearing for February 11, 2002.

Councillor Bainbridge made the following motion:

Mr. President:

I am pleased to report that the remonstrators involved in the rezoning at 4665 West 16th Street have withdrawn their objections, and it will not be necessary to have a full public hearing on this matter; therefore I move that Proposal No. 58, 2002 (Rezoning Petition No. 2001-ZON-085) be adopted.

Councillor Soards seconded the motion, and Proposal No. 58, 2002 was adopted by a unanimous voice vote. Proposal No. 58, 2002 was retitled for identification as REZONING ORDINANCE NO. 19, 2002, the original copy of which ordinance is on file with the Metropolitan Development Commission, and is identified as follows:

REZONING ORDINANCE NO. 19, 2002.

2001-ZON-085

4665 WEST 16TH STREET (approximate address), TOWN OF SPEEDWAY.

WAYNE TOWNSHIP COUNCILMANIC DISTRICT # 8

CLASSIC MOTOR INN, INC., by Cameron F. Clark, requests a rezoning of 3.339 acres, being in the D-7 (FW) (FF) District, to the C-4 (FW) (FF) classification to legally establish a motel.

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 14, and 43-46, 2002 on January 30, 2002. He asked for consent to vote on these proposals together. Councillor Schneider said that he would like a separate vote on Proposal No. 46, 2002, as he voted against it in Committee and wishes to do so again this evening. Consent was given to vote on Proposal Nos. 14, and 43-45, 2002 together.

PROPOSAL NO. 46, 2002. The proposal, sponsored by Councillors Dowden and Talley, approves an increase of \$91,388 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) for the funding of a mental health component and a conflict resolution services coordinator position, funded by Department of Corrections grants. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Schneider said that he feels uncomfortable that this proposal might put violent offenders on the streets prematurely, as this is a new program and has not yet been proven. Councillor Conley asked how the proposal puts offenders on the street too soon. Councillor Schneider said that the program allows early release for certain offenders, and he is not sure it will exclude violent offenders.

President SerVaas called for public testimony at 7:51 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Talley, for adoption. Proposal No. 46, 2002 was adopted on the following roll call vote; viz:

20 YEAS: Bainbridge, Black, Borst, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Horseman, Langsford, Massie, McWhirter, Moriarty Adams, Sanders, Short, Talley, Tilford

8 NAYS: Bradford, Gray, Knox, Nytes, Schneider, SerVaas, Smith, Soards

1 NOT VOTING: Boyd

Proposal No. 46, 2002 was retitled FISCAL ORDINANCE NO. 8, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 8, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Ninety-one Thousand Three Hundred Eighty-eight Dollars (\$91,388) in the State and Federal Grants Fund for purposes of the County Auditor and Community Corrections and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Community Corrections to fund a mental health component and a conflict resolution services coordinator position.

SECTION 2. The sum of Ninety-one Thousand Three Hundred Eighty-eight Dollars (\$91,388) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - fringes	8,750
<u>COMMUNITY CORRECTIONS</u>	
1. Personal Services	35,000
3. Other Services and Charges	47,638
TOTAL INCREASE	91,388

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	91,388
TOTAL REDUCTION	91,388

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 14, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$2,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to appropriate an AWI (Automated Wagering International) grant to purchase supplies for children's programs. PROPOSAL NO. 43, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$10,091 in the 2002 Budget of the County Sheriff (State and Federal Grants Fund) for the reimbursement of one officer's overtime who is assigned to the Indiana Joint Terrorism Task Force, funded by a grant from the FBI. PROPOSAL NO. 44, 2002. The proposal, sponsored by Councillors Dowden, Talley, and Short, approves an increase of \$200,000 in the 2002 Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) to continue funding the Community Court, funded by a federal grant (U.S. Department of Justice). PROPOSAL NO. 45, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$28,200 in the 2002 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to purchase two electronic message trailers to be utilized by local law enforcement agencies when conducting seat belt enforcement zones, funded by a grant from the Governor's Council on Impaired & Dangerous Driving and the National

Highway Traffic Safety Administration. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President SerVaas called for public testimony at 7:52 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Talley, for adoption. Proposal Nos. 14, and 43-45, 2002 were adopted on the following roll call vote; viz:

29 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford
0 NAYS:

Proposal No. 14, 2002 was retitled FISCAL ORDINANCE NO. 9, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 9, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97 2001) appropriating an additional Two Thousand Dollars (\$2,000) in the State and Federal Grants Fund for purposes of the Marion County Superior Court, Juvenile Division, and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (j) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court, Juvenile Division, to appropriate a AWI (Automated Wagering International) grant to purchase supplies for programs with children.

SECTION 2. The sum of Two Thousand Dollars (\$2,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

MARION COUNTY SUPERIOR COURT
JUVENILE DIVISION

2. Supplies
TOTAL INCREASE

STATE AND FEDERAL GRANTS FUND
2,000
2,000

SECTION 4. The said additional appropriation is funded by the following reductions:

STATE AND FEDERAL GRANTS FUND
Unappropriated and Unencumbered
State and Federal Grants Fund
TOTAL REDUCTION

2,000
2,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 43, 2002 was retitled FISCAL ORDINANCE NO. 10, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 10, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Ten Thousand Ninety-one Dollars (\$10,091) in the State and Federal Grants Fund for purposes of the County Sheriff and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (f) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for the reimbursement to the County Sheriff for one officer's overtime who is assigned to the Indiana Joint Terrorism Task Force while engaged in cooperative activities related to counter terrorism.

SECTION 2. The sum of Ten Thousand Ninety-one Dollars (\$10,091) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY SHERIFF</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	<u>10,091</u>
TOTAL INCREASE	10,091

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>10,091</u>
TOTAL REDUCTION	10,091

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 44, 2002 was retitled FISCAL ORDINANCE NO. 11, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 11, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Two Hundred Thousand Dollars (\$200,000) in the State and Federal Grants Fund for purposes of the County Auditor and the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and the Prosecuting Attorney to continue funding the Community Court.

SECTION 2. The sum of Two Hundred Thousand Dollars (\$200,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - fringes	29,204
<u>PROSECUTING ATTORNEY</u>	
1. Personal Services	104,300
2. Supplies	1,000
3. Other Services and Charges	<u>65,496</u>
TOTAL INCREASE	200,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>200,000</u>
TOTAL REDUCTION	200,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 45, 2002 was retitled FISCAL ORDINANCE NO. 12, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 12, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Twenty-eight Thousand Two Hundred Dollars (\$28,200) in the State and Federal Grants Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (c) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney to purchase two electronic message trailers to be utilized by local law enforcement when conducting seat belt enforcement zones.

SECTION 2. The sum of Twenty-eight Thousand Two Hundred Dollars (\$28,200) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>PROSECUTING ATTORNEY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
4. Capital Outlay	<u>28,200</u>
TOTAL INCREASE	28,200

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>28,200</u>
TOTAL REDUCTION	28,200

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or

project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 40, 2002. Councillor Coonrod reported that the Administration and Finance Committee heard Proposal No. 45, 2002 on February 5, 2002. The proposal, sponsored by Councillor Massie, approves an increase of \$95,000 in the 2002 Budget of the City-County Council (Consolidated County Fund) to provide for redistricting expenses, anticipated but not encumbered in 2001, and to correct an error in posting 2001 encumbrances, financed by fund balances. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

President SerVaas called for public testimony at 7:53 p.m. There being no one present to testify, Councillor Coonrod moved, seconded by Councillor Tilford, for adoption. Proposal No. 40, 2002, as amended, was adopted on the following roll call vote; viz:

26 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Gibson, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty, Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford

0 NAYS:

3 NOT VOTING: Dowden, Gray, SerVaas

Proposal No. 40, 2002, as amended, was retitled FISCAL ORDINANCE NO. 13, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 13, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 95, 2001) appropriating an additional Ninety-five Thousand Dollars (\$95,000) in the Consolidated County Fund for purposes of the City-County Council and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(c) of the City-County Annual Budget for 2002 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the City-County Council to provide for redistricting expenses, anticipated but not encumbered in 2001, and to correct an error in posting 2001 encumbrances.

SECTION 2. The sum of Ninety-five Thousand Dollars (\$95,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>CITY-COUNTY COUNCIL</u>	<u>CONSOLIDATED COUNTY FUND</u>
3. Other Services and Charges	95,000
TOTAL INCREASE	95,000

SECTION 4. The said increased appropriation is funded by the following reductions:

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	95,000
TOTAL REDUCTION	95,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - FINAL ADOPTION

Councillor Coonrod reported that the Administration and Finance Committee heard Proposal Nos. 694-696, 2001 and Proposal No. 2, 2002 on February 5, 2002. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 694, 2001. The proposal, sponsored by Councillor Cockrum, determines that there is an interest in purchasing the real estate and structure at 6230 Valley Lane for the Department of Parks and Recreation. PROPOSAL NO. 695, 2001. The proposal, sponsored by Councillor Cockrum, determines that there is a need to lease additional office space at 3549 Boulevard Place for the Department of Parks and Recreation. PROPOSAL NO. 696, 2001. The proposal, sponsored by Councillor Coonrod, codifies the salary range of the chief public defender of Marion County. PROPOSAL NO. 2, 2002. The proposal, sponsored by Councillor Dowden, determines the need to lease office space at 3500 Lafayette Road for the Westside Community Office of the Marion Superior Court, Probation Department, Adult Services Division. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Coonrod moved, seconded by Councillor Cockrum, for adoption. Proposal Nos. 694-696, 2001 and Proposal No. 2, 2002 were adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford

0 NAYS:

2 NOT VOTING: Black, SerVaas

Proposal No. 694, 2001 was retitled SPECIAL RESOLUTION NO. 9, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 9, 2002

A PROPOSAL FOR A SPECIAL RESOLUTION determining that there is an interest in purchasing the real estate and structure at 6230 Valley Lane, Indianapolis, Indiana (Parcel No. 2006077), for the Department of Parks and Recreation.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council, pursuant to IC 36-1-10.5-5 and Sec. 151-66 of the Revised Code, has determined that the Consolidated City of Indianapolis, is interested in making a purchase of the real estate and structure at 6230 Valley Lane, Indianapolis, Indiana (Parcel No. 2006077), for the Department of Parks and Recreation.

SECTION 2. The only person(s) or firm(s) with a 10% or greater equitable interest in the real estate at 6230 Valley Lane, Indianapolis, Indiana, is: Kevin L. Loy, Debbie S. Loy and Cheryl Latulippe.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 695, 2001 was retitled SPECIAL RESOLUTION NO. 10, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 10, 2002

A PROPOSAL FOR A SPECIAL RESOLUTION determining that leasing additional office space at 3549 Boulevard Place, Indianapolis, Indiana, is needed for the Department of Parks and Recreation.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council, pursuant to IC 36-1-10-7 and Sec. 151-66 of the Revised Code, has investigated the conditions requiring the subject lease and hereby determines the lease of office space for the Department of Parks and Recreation is needed.

SECTION 2. The only person or firm with a 10% or greater equitable interest in the real estate at 3549 Boulevard Place, Indianapolis, Indiana, is the Mount Zion Baptist Church.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 696, 2001 was retitled GENERAL ORDINANCE NO. 20, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 20, 2002

A PROPOSAL FOR A GENERAL ORDINANCE amending Chapter 291 of the Revised Code codifying the salary range of the chief public defender of Marion County.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Sec. 291-703 of the "Revised Code of the Consolidated City and County" be, and is hereby amended by deleting the stricken-through text and inserting the underlined text, to read as follows:

Sec. 291-703. County employee compensation.

(a) The annual compensation for the calendar year 2001 for all appointed officers, deputies, and employees, whose compensation is payable from the County General Fund or any other fund from which the County Auditor issues warrants for compensation, is fixed as follows:

- (1) the salaries of those judges, officers of courts, prosecuting attorneys, and deputy prosecuting attorneys whose minimum salaries are fixed by statute are confirmed as fixed by statute,
- (2) the salaries of the following are fixed as recommended by the County Salary Recommendation Panel:

members of the board of voters' registration		\$ 55,725
chief deputy prosecutor/child support director	range \$ 63,000 -	\$ 65,000
superintendent, children's guardian home	range \$ 63,000 -	\$ 66,000
director, forensics services agency		\$ 82,000
executive director, community corrections	range \$ 62,000 -	\$ 65,000
director, metropolitan communications agency	range \$ 72,000 -	\$ 73,000
chief information officer	range \$100,000 -	\$125,000

- (3) as set forth in the following schedule:

MARION COUNTY SALARY GRADE SCALE AS OF JANUARY 1, 2001			
DBM CODE	MINIMUM SALARY	MID-POINT SALARY	MAXIMUM SALARY
A12	\$12,259	\$14,710	\$17,162
A13	\$13,838	\$16,606	\$19,372
B21	\$15,076	\$18,466	\$21,859
B22	\$16,510	\$20,225	\$23,942

MARION COUNTY SALARY GRADE SCALE AS OF JANUARY 1, 2001			
DBM CODE	MINIMUM SALARY	MID-POINT SALARY	MAXIMUM SALARY
B23	\$18,084	\$22,153	\$26,222
B24	\$19,807	\$24,261	\$28,718
B31	\$22,702	\$27,809	\$32,917
B32	\$26,479	\$32,438	\$38,395
C41	\$28,489	\$35,186	\$41,881
C42	\$30,402	\$37,547	\$44,690
C43	\$32,442	\$40,066	\$47,690
C51	\$34,768	\$43,460	\$52,153
C52	\$38,329	\$47,911	\$57,493
D61	\$38,616	\$49,235	\$59,854
D62	\$40,292	\$51,371	\$62,451
D63	\$42,995	\$54,818	\$66,641
D71	\$44,180	\$57,435	\$70,688
D72	\$48,706	\$63,317	\$77,929
E81	(Chief Public Defender=90% of total salary for County Prosecutor)		
E81	\$52,833	\$68,682	\$84,532
E82	\$56,376	\$73,290	\$90,203
E83	\$60,159	\$78,208	\$96,257

- (4) hourly employees in a bargaining unit shall be paid in accordance with the terms of the previously approved Master Agreement.

(b) The annual compensation for the calendar year 2002 for all appointed officers, deputies, and employees, whose compensation is payable from the County General Fund or any other fund from which the County Auditor issues warrants for compensation, is fixed as follows:

- (1) the salaries of those judges, officers of courts, prosecuting attorneys, and deputy prosecuting attorneys whose minimum salaries are fixed by statute are confirmed as fixed by statute,
- (2) the salaries of the following are fixed as recommended by the County Salary Recommendation Panel:

members of the board of voters' registration		\$ 56,846
chief deputy prosecutor/child support director		\$ 67,014
superintendent, children's guardian home	range \$ 64,000 -	\$ 67,000
director, forensics services agency		\$ 83,640
executive director, community corrections	range \$ 63,000 -	\$ 66,000
director, metropolitan communications agency	range \$ 75,000 -	\$ 76,000
chief information officer	range \$100,000 -	\$115,000

- (3) the salary of the following is fixed as recommended by the Board of the Public Defender's Agency:

chief public defender	range \$ 85,000 -	\$ 95,000
-----------------------	-------------------	-----------

- (34) as set forth in the following schedule:

MARION COUNTY SALARY GRADE SCALE AS OF JANUARY 1, 2002			
DBM CODE	MINIMUM SALARY	MID-POINT SALARY	MAXIMUM SALARY
A12	\$12,504	\$15,004	\$17,505
A13	\$14,115	\$16,938	\$19,759
B21	\$15,378	\$18,835	\$22,296
B22	\$16,840	\$20,630	\$24,421
B23	\$18,446	\$22,596	\$26,746
B24	\$20,203	\$24,746	\$29,292
B31	\$23,156	\$28,365	\$33,575
B32	\$27,009	\$33,087	\$39,163
C41	\$29,059	\$35,890	\$42,719
C42	\$31,010	\$38,298	\$45,584

MARION COUNTY SALARY GRADE SCALE AS OF JANUARY 1, 2002			
DBM CODE	MINIMUM SALARY	MID-POINT SALARY	MAXIMUM SALARY
C43	\$33,091	\$40,867	\$48,644
C51	\$35,463	\$44,329	\$53,196
C52	\$39,096	\$48,869	\$58,643
D61	\$39,388	\$50,220	\$61,051
D62	\$41,098	\$52,398	\$63,700
D63	\$43,855	\$55,914	\$67,974
D71	\$45,064	\$58,584	\$72,102
D72	\$49,680	\$64,583	\$79,488
E81	\$53,890	\$70,056	\$86,223
E81*	Chief Public Defender — 90% of Total Salary of Prosecutor		
E82	\$57,504	\$74,756	\$92,007
E83	\$61,362	\$79,772	\$98,182

(45) hourly employees in a bargaining unit shall be paid in accordance with the terms of the previously approved Master Agreement.

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 2, 2002 was retitled SPECIAL RESOLUTION NO. 11, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 11, 2002

PROPOSAL FOR A SPECIAL RESOLUTION determining the need to lease approximately 5,500 square feet of office space at 3500 Lafayette Road, Indianapolis, Indiana, for the Westside Community Office of the Marion Superior Court Probation Department, Adult Services Division.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council, pursuant to IC 36-1-10-7, has investigated the conditions requiring the subject lease and hereby determines the lease of office space for the use of the Westside Community Office of the Marion Superior Court Probation Department, Adult Services Division, is necessary.

SECTION 2. The property to be leased is located at 3500 Lafayette Road, Indianapolis, Indiana, and is owned by Greystoke I, LLC (James D. Mann, Jr., and Andrew E. Miller).

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 55, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 55, 2002 on January 30, 2002. The proposal, sponsored by Councillor Borst, permits multiyear vaccination of cats and dogs. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Talley said that while he voted in favor of the proposal in Committee, on the advice of his veterinarian, he will vote in opposition this evening. Councillor Dowden moved, seconded by Councillor Borst, for adoption. Proposal No. 55, 2002 was adopted on the following roll call vote; viz:

26 YEAS: Bainbridge, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Tilford
1 NAY: Talley
2 NOT VOTING: Black, Gray

Proposal No. 55, 2002 was retitled GENERAL ORDINANCE NO. 21, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 21, 2002

A PROPOSAL FOR A GENERAL ORDINANCE amending the Revised Code to permit multiyear vaccination of cats and dogs.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Sec. 531-301 of the "Revised Code of the Consolidated City and County" be, and is hereby, amended by deleting the stricken-through text and inserting the underlined text to read as follows:

Sec. 531-301. Antirabies vaccinations required for dogs and cats.

(a) It shall be unlawful to keep a Each dog and or cat over the age of three (3) months which is kept in the city unless such cat or dog shall have been vaccinated is immunized against rabies by a vaccination performed by a veterinarian within the preceding three hundred sixty five (365) days, and the period of immunization specified by the veterinarian performing the vaccination has not expired.

(b) ~~It shall be unlawful for a person to own a dog or cat not in compliance with this section, and~~ A violation of this section shall be punishable as provided in section 103-3 of this Code; provided, however, the fine for any such violation shall not be less than one hundred dollars (\$100.00).

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Coughenour reported that the Public Works Committee heard Proposal Nos. 47-51, 2002 on February 7, 2002. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 47, 2002. The proposal, sponsored by Councillor Coonrod, authorizes a traffic signal at 56th Street and Mitthoefer Road (District 5). PROPOSAL NO. 48, 2002. The proposal, sponsored by Councillor Brents, authorizes a multi-way stop at 18th Street and Medford Avenue (District 16). PROPOSAL NO. 49, 2002. The proposal, sponsored by Councillor Short, authorizes parking restrictions on Prospect Street between Leonard Street and St. Patrick Street (District 21). PROPOSAL NO. 50, 2002. The proposal, sponsored by Councillor Talley, authorizes parking restrictions on Monterey Road between Marseille Road and Balboa Drive (District 14). PROPOSAL NO. 51, 2002. The proposal, sponsored by Councillor Massie, authorizes parking restrictions on Windermire Street from Bowman Avenue to Otterbein Avenue (District 20). By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Coughenour moved, seconded by Councillor Massie, for adoption. Proposal Nos. 47-51, 2002 were adopted on the following roll call vote; viz:

25 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Tilford

0 NAYS:

4 NOT VOTING: Gray, Horseman, Knox, Talley

Proposal No. 47, 2002 was retitled GENERAL ORDINANCE NO. 22, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 22, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
14	56 th Street Mitthoefer Rd	Mitthoefer Rd	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
14	56 th Street Mitthoefer Rd	None	Signal

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 48, 2002 was retitled GENERAL ORDINANCE NO. 23, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 23, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
24	18 th St Medford Av	Medford Av	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
24	18 th St Medford Av	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 49, 2002 was retitled GENERAL ORDINANCE NO. 24, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 24, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be and the same is hereby amended by the addition of the following, to wit:

Prospect Street, on the south side, from Leonard Street to a point 146 feet east of Leonard Street

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 50, 2002 was retitled GENERAL ORDINANCE NO. 25, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 25, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-124, Parking prohibited during specified hours on certain days.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-124, Parking prohibited during specified hours on certain days, be and the same is hereby amended by the addition of the following, to wit:

SCHOOL DAYS
From 7:00 a.m. to 4:00 p.m.

Monterey Road, on the north side, from a point 75 feet east of Marseille Road
to a point 595 feet east of Marseille Road

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 51, 2002 was retitled GENERAL ORDINANCE NO. 26, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 26, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-123, Parking prohibited at all times on specified days.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-123, Parking prohibited at all times on specified days, be and the same is hereby amended by the addition of the following, to wit:

PROHIBITED ON ANY DAY EXCEPT SUNDAY

Windermire Street, on the south side, from Bowman Avenue to Otterbein Avenue

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillors Horseman, Bradford, and Schneider in memory of Doug Trolson; and
- (2) Councillors Soards, SerVaas, and Massie in memory of Homer Stoughton.

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Doug Trolson and Homer Stoughton. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:01 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 11th day of February, 2002.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.



President

ATTEST:



Clerk of the Council

(SEAL)

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, FEBRUARY 25, 2002**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:05 p.m. on Monday, February 25, 2002, with President SerVaas presiding.

Councillor Borst led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

28 PRESENT: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Talley, Tilford
1 ABSENT: Short

A quorum of twenty-eight members being present, the President called the meeting to order.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, February 25, 2002, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Beurt SerVaas
President, City-County Council

February 12, 2002

TO PRESIDENT SERVAAS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* on Wednesday, February 13, 2002, and in the *Indianapolis Star* on Thursday, February 14, 2002, a copy of a Notice of Public Hearing on Proposal Nos. 72-77, 2002, said hearing to be held on Monday, February 25, 2002, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Suellen Hart
Clerk of the City-County Council

February 22, 2002

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Suellen Hart, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 8, 2002 - approves an increase of \$91,388 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) for the funding of a mental health component and a conflict resolution services coordinator position, funded by Department of Corrections grants

GENERAL ORDINANCE NO. 20, 2002 - codifies the salary range of the chief public defender of Marion County

GENERAL ORDINANCE NO. 21, 2002 - permits multiyear vaccination of cats and dogs

GENERAL ORDINANCE NO. 22, 2002 - authorizes a traffic signal at 56th Street and Mitthoefer Road (District 5)

GENERAL ORDINANCE NO. 23, 2002 - authorizes a multi-way stop at 18th Street and Medford Avenue (District 16)

GENERAL ORDINANCE NO. 24, 2002 - authorizes parking restrictions on Prospect Street between Leonard Street and St. Patrick Street (District 21)

GENERAL ORDINANCE NO. 25, 2002 - authorizes parking restrictions on Monterey Road between Marseille Road and Balboa Drive (District 14)

GENERAL ORDINANCE NO. 26, 2002 - authorizes parking restrictions on Windermire Street from Bowman Avenue to Otterbein Avenue (District 20)

SPECIAL RESOLUTION NO. 7, 2002 - congratulates the Arlington High School Golden Knights boys basketball team for winning the 63rd annual city tournament

SPECIAL RESOLUTION NO. 8, 2002 - congratulates Alan Dhayer and Indianapolis Cable TV Channel 16 for receiving a national public awareness award from Mothers Against Drunk Drivers

SPECIAL RESOLUTION NO. 9, 2002 - determines that there is an interest in purchasing the real estate and structure at 6230 Valley Lane for the Department of Parks and Recreation

SPECIAL RESOLUTION NO. 10, 2002 - determines that there is a need to lease additional office space at 3549 Boulevard Place for the Department of Parks and Recreation

SPECIAL RESOLUTION NO. 11, 2002 - determines the need to lease office space at 3500 Lafayette Road for the Westside Community Office of the Marion Superior Court, Probation Department, Adult Services Division

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of February 11, 2002. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 106, 2002. The proposal, sponsored by Councillor Borst, recognizes the contributions of Dr. Jeffrey P. Bonner, President and Chief Executive Officer of the Indianapolis Zoological Society from 1993 to 2002. Councillor Borst read the proposal and presented copies of the document and a Council pin to Dr. Bonner. Dr. Bonner thanked the Council for the recognition. Councillor Borst moved, seconded by Councillor Tilford, for adoption. Proposal No. 106, 2002 was adopted by a unanimous voice vote.

Proposal No. 106, 2002 was retitled SPECIAL RESOLUTION NO. 12, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 12, 2002

A SPECIAL RESOLUTION recognizing the contributions of Dr. Jeffrey P. Bonner, President and Chief Executive Officer of the Indianapolis Zoological Society from 1993 to 2002.

WHEREAS, in the early 1940's a local newspaper columnist advocated that Indianapolis should have a zoo, and in 1964 after a remonstrance lawsuit by neighbors was dismissed, the Indianapolis Zoological Society opened the zoo with a special emphasis on children at George Washington Park on East 30th Street; and

WHEREAS, the spectacular new \$64 million world class zoo at White River State Park opened in 1988, and five years later Dr. Jeffrey P. Bonner came from Saint Louis to lead the Indianapolis Zoo; and

WHEREAS, under Dr. Bonner's direction the Indianapolis Zoo leaped to the forefront in research and preservation of endangered species, rare animal breeding, he helped raise \$14 million for the urban botanical White River Gardens which opened in 1999, and has been in charge of overseeing an operating budget of \$14 million and 165 Zoo employees; and

WHEREAS, Dr. Bonner will soon return to Saint Louis as President and CEO of their Zoological Park -- a decided gain for that city, and a loss for Indianapolis; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes that the Indianapolis Zoo has made tremendous strides since those days more than a half century ago when it was only a dream by a crusading journalist, and under Dr. Jeffrey Bonner's nearly ten years of stewardship the Indianapolis Zoo in the heart of the city has continued its quick step march alongside some of the finest zoos in the world.

SECTION 2. The Council wishes Dr. Bonner well in his new position, and thanks him for his outstanding work here in Indianapolis.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 107, 2002. The proposal, sponsored by Councillors Borst and SerVaas, recognizes long time civic leader James T. Morris. Councillor Borst read the proposal and presented copies of the document and a Council pin to Mr. Morris. Mr. Morris thanked the Council for the recognition. Councillor Borst moved, seconded by Councillor SerVaas, for adoption. Proposal No. 107, 2002 was adopted by a unanimous voice vote.

Proposal No. 107, 2002 was retitled SPECIAL RESOLUTION NO. 13, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 13, 2002

A SPECIAL RESOLUTION recognizing long time civic leader James T. Morris.

WHEREAS, local civic leader James T. Morris' list of work history, community leadership and awards is single spaced and three pages long; and

WHEREAS, from the former American Fletcher National Bank, he went to work for then-Mayor, now U.S. Senator Richard Lugar, for six years helping to shape the newly consolidated City-County government; and

WHEREAS, from the 25th floor of the City-County Building Mr. Morris went to Lilly Endowment for 16 years where he worked his way up from Community Development Director to President, then in 1989 he was appointed Chairman and CEO of IWC Resources, Inc.; and

WHEREAS, woven through his career he helped with the renaissance of downtown Indianapolis, and in helping make the city into a major sports center; and

WHEREAS, Jim Morris was a founder of the Indiana Sports Corporation, and is a current or former Director of the American Red Cross, the local Salvation Army, Boy Scouts, YMCA, Police Athletic League, the state and local Chambers of Commerce, the Indiana Pacers Foundation, the Indiana Special Olympics, and the Indiana University Board of Trustees, among many others; and

WHEREAS, he has received Honorary Doctorate Degrees from nine Indiana-based universities, the Presidential Medal of Freedom, the Distinguished Eagle Scout Award, and is a 33rd Degree Mason; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes and thanks James T. Morris for his lifetime of generously giving back to good government in Indianapolis, to the city's institutions and to its people.

SECTION 2. Mr. Morris will surely take his Indianapolis "can do" style of leadership with him to his new challenge at the Rome-based United Nations World Food Program, starting right away with a quarter billion dollars in food and other assistance to help war torn Afghanistan.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 108, 2002. The proposal, sponsored by Councillor Tilford, welcomes the new Home Depot home improvement store to 2225 North Post Road and the two other Indianapolis locations. Councillor Tilford read the proposal and presented copies of the document and Council pins to representatives. Councillor Bradford commended Warren Township for their revitalization efforts and said that the north side of Indianapolis would also welcome a Home Depot store. Councillor Tilford moved, seconded by Councillor Coughenour, for adoption. Proposal No. 108, 2002 was adopted by a unanimous voice vote.

Proposal No. 108, 2002 was retitled SPECIAL RESOLUTION NO. 14, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 14, 2002

A SPECIAL RESOLUTION welcoming the new Home Depot home improvement store to 2225 North Post Road and the two other Indianapolis locations.

WHEREAS, the Atlanta-based Home Depot Corporation is a \$45 billion annual sales home improvement retailer with stores primarily in North America; and

WHEREAS, this late winter the company came to Indianapolis in a big way with new stores on High School Road, in Southport, and at 2225 North Post Road; and

WHEREAS, for a number of reasons, including company financial troubles, Indianapolis' Eastside has been experiencing a demoralizing stagnation of big name retailers, but The Home Depot saw through the fog of demographic statistics, distant home office marketing staffs, and the typical retailing herd instinct, and proceeded to bulldoze a decayed motel at Post Road and I-70 East to make way for a showpiece new home improvement and garden store; and

WHEREAS, two weeks ago the new Eastside Home Depot store opened to traffic-clogging and cash register ringing success; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes and welcomes the three new Indianapolis Home Depot stores, including the Eastside store on Post Road.

SECTION 2. The Council wishes these new stores well, along with their already-established competitors, which captures the essence of the Free Enterprise System that has made America the envy of the world..

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 86, 2002. Introduced by Councillors Coughenour and Brents. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which determines the need to lease office space at 1375 West 16th Street for the Department of Public Works"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 87, 2002. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Alan Wiseman to the Indianapolis City Market Corporation Board of Directors"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 88, 2002. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$5,100 in the 2002 Budgets of the County Auditor and County Surveyor (County General Fund) to provide surveying services to IMAGIS in targeting specified control points for the 2002 aerial photography flyover"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 89, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$5,608 in the 2002 Budget of the County Sheriff (State and Federal Grants Fund) to purchase 4 radar units and 14 personal breath testers, funded by a grant from the Governor's Council on Impaired and Dangerous Driving"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 90, 2002. Introduced by Councillors Dowden and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$70,942 in the 2002 Budget of the Department of Public Safety, Fire Division (Federal Grants Fund) for fire safety programs through Survive Alive, financed by a federal grant (Federal Emergency Management Agency) (Local match of \$30,403 is funded by existing appropriations in the Department of Public Safety, Fire Division's 2002 Budget)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 91, 2002. Introduced by Councillors Dowden and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$3,825 in the 2002 Budget of the Department of Public Safety, Animal Care and Control Division (Consolidated County Fund) to purchase bedding and mats for animals held at the shelter, financed by donations made for that purpose"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 92, 2002. Introduced by Councillors Talley and Knox. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which requests that no additional taxpayer funding be provided to the Indianapolis Training Center, nor that the Marion County Superior Court, Juvenile Division, make any additional referrals to the Center pending the completion of the Child Protective Services' investigation of the Center, and a review of that investigation be made by the Marion County Prosecutor"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 93, 2002. Introduced by Councillor Bainbridge. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Corvallis Crescent and Eagledale Drive (District 8)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 94, 2002. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Paul E. Ferguson to the Wellfield Education Corporation"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 95, 2002. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Kathryn Rietmann to the Wellfield Education Corporation"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 96, 2002. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints John Schuler to the Wellfield Education Corporation"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 97, 2002. Introduced by Councillors Dowden and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which determines that the execution of the First Amendment (Arrestee Processing Center) to the Lease for Jail II is necessary"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 98, 2002. Introduced by Councillors Nytes and Boyd. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Linda N. Perdue to the Equal Opportunity Advisory Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 99, 2002. Introduced by Councillors Nytes and Boyd. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Phyllis Gabovitch to the Indianapolis City Market Corporation Board of Directors"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 100, 2002. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes the assignment of Indianapolis Water Company's liabilities and obligations under the 1998 Bonds to the Waterworks District, and authorizes the 1998 Bonds to be payable from the net revenues"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 101, 2002. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the issuance of one or more series of bond anticipation notes (BANs) in an aggregate principal amount not to exceed \$625,000,000 and approves and authorizes the Management Agreement and other actions in respect thereto"; and the President referred it to the Public Works Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 102, 2002 and PROPOSAL NOS. 103-105, 2002. Introduced by Councillor Smith. Proposal No. 102, 2002 and Proposal Nos. 103-105, 2002 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on February 20, 2002. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 20-23, 2002, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 20, 2002.

99-Z-147

4445, 4501, 4503-4507 POST ROAD (approximate addresses), INDIANAPOLIS.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT #14

TIMOTHY HARRIS requests a rezoning of 10.13 acres, being in the D-A District, to the SU-1 classification to provide for church uses.

REZONING ORDINANCE NO. 21, 2002.

2001-ZON-143 (2001-DP-017)

1701 WALKER AVENUE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #21

ANTHONY AND PHYLLIS J. SPEZIALE, by David Kingen, request a rezoning of 4.597 acres, being in the D-4 (FW) (FF) District, to the D-P (FW) (FF) classification to provide for 13 two-family dwellings, constituting 26 dwelling units (5.65 units per acre).

REZONING ORDINANCE NO. 22, 2002.

2001-ZON-148

6752 and 6758 GENTRY STREET and 8099 and 8101 CASTLETON ROAD (approximate addresses), INDIANAPOLIS.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT #4

DUNVILLE AND ASSOCIATES, INC., requests a rezoning of 0.69 acre, being in the SU-9 District, to the C-4 classification to provide for the construction of a commercial office building.

REZONING ORDINANCE NO. 23, 2002.

2001-ZON-155

721 EAST 27TH STREET, 725 EAST 27TH STREET AND 2644, 2702, 2708, and 2712 CARROLLTON AVENUE (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #22

ELDER SULLEN requests a rezoning of 0.89 acre, being in the D-5 and D-8 Districts, to the SU-1 classification to provide for religious uses.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 72, 2002. Councillor Bradford reported that the Community Affairs Committee heard Proposal No. 72, 2002 on February 12, 2002. The proposal, sponsored by Councillor Bradford, approves an increase of \$2,983 in the 2002 Budget of the County Auditor (Child Advocacy Fund) to support the continuation of an interdisciplinary response to child abuse and neglect situations for the Family Advocacy Center (per Indiana Code 12-17-12-2), financed by fund balances. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 7:38 p.m. There being no one present to testify, Councillor Bradford moved, seconded by Councillor Coonrod, for adoption. Proposal No. 72, 2002 was adopted on the following roll call vote; viz:

23 YEAS: Bainbridge, Borst, Boyd, Bradford, Cockrum, Conley, Coonrod, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Nytes, Sanders, Schneider, SerVaas, Smith, Talley, Tilford

0 NAYS:

5 NOT VOTING: Black, Brents, Coughenour, Moriarty Adams, Soards

1 ABSENT: Short

Proposal No. 72, 2002 was retitled FISCAL ORDINANCE NO. 14, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 14, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 96, 2001) appropriating an additional Two Thousand Nine Hundred Eighty-three Dollars (\$2,983) in the Child Advocacy Fund for purposes of the County Auditor and reducing the unappropriated and unencumbered balance in the Child Advocacy Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (b) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor to support the continuation of the interdisciplinary response to child abuse and neglect situation (per Indiana Code IC 12-17-17-2).

SECTION 2. The sum of Two Thousand Nine Hundred Eighty-three Dollars (\$2,983) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>CHILD ADVOCACY FUND</u>
3. Other Services and Charges	<u>2,983</u>
TOTAL INCREASE	2,983

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>CHILD ADVOCACY FUND</u>
Unappropriated and Unencumbered	
Child Advocacy Fund	<u>2,983</u>
TOTAL REDUCTION	2,983

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 73, 2002. Councillor Cockrum reported that the Parks and Recreation Committee heard Proposal No. 73, 2002 on February 14, 2002. The proposal, sponsored by Councillors Cockrum and Short, approves an appropriation of \$500,000 in the 2002 Budget of the Department of Parks and Recreation (Federal Grants Fund) to renovate the parking lot, pool and bathhouse; and to add new basketball courts, additional landscaping and trails at Willard Park, financed by federal funds (Urban Park and Recreation Recovery Program) (Local match of \$214,285 is funded by existing appropriations in the Department of Parks and Recreation budget.). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 7:40 p.m. There being no one present to testify, Councillor Cockrum moved, seconded by Councillor Tilford, for adoption. Proposal No. 73, 2002 was adopted on the following roll call vote; viz:

28 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Talley, Tilford
0 NAYS:
1 ABSENT: Short

Proposal No. 73, 2002 was retitled FISCAL ORDINANCE NO. 15, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 15, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating Five Hundred Thousand Dollars (\$500,000) in the Federal Grants Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (l) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to renovate the parking lot, pool and bathhouse; and to add new basketball courts, landscaping, and trails at Willard Park.

SECTION 2. The sum of Five Hundred Thousand Dollars (\$500,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>FEDERAL GRANTS FUND</u>
3. Other Services and Charges	107,143
4. Capital Outlay	<u>392,857</u>
TOTAL INCREASE	500,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>500,000</u>
TOTAL REDUCTION	500,000

SECTION 5. The activity hereby approved through this ordinance is funded by a federal grant. Matching funds have already been appropriated in the 2002 budget, as follows

<u>DEPT. OF PARKS AND RECREATION</u>	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
4. Capital Outlay	<u>214,285</u>
TOTAL	214,285

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the capital project described in Section 1 above.

SECTION 8. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 74-77, 2002 on February 13, 2002. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 74, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$5,000 in the 2002 Budget of the County Sheriff (State and Federal Grants Fund) for a one time reimbursement for one officer assigned to the U.S. Marshal Services' Operation Failed Chance Task Force, funded by a grant from United States Marshals Service. PROPOSAL NO. 75, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$12,928 in the 2002 Budget of the Marion County Justice Agency (Law Enforcement Fund) to purchase computer equipment for the County Sheriff, financed by fund balances. PROPOSAL NO. 76, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$7,631 (Law Enforcement Equitable Share Fund) in the 2002 Budget of the Marion County Justice Agency to purchase computer equipment for the County Sheriff, financed by fund balances. PROPOSAL NO. 77, 2002. The proposal, sponsored by Councillor Borst, approves an increase of \$349,600 in the 2002 Budgets of the County Auditor and Forensic Services Agency (Forensic Services Training Fund) to carry out the functions and duties of the laboratory, funded from the fees for training foreign and domestic students in forensic analysis and crime scene services. By 6-0 votes, the Committee reported Proposal Nos. 74-76, 2002 to the Council with the recommendation that they do pass and Proposal No. 77, 2002 to the Council with the recommendation that it do pass as amended.

President SerVaas called for public testimony at 7:43 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal Nos. 74-76, 2002 and Proposal No. 77, 2002, as amended, were adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Talley, Tilford

0 NAYS:

1 NOT VOTING: Gray

1 ABSENT: Short

Proposal No. 74, 2002 was retitled FISCAL ORDINANCE NO. 16, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 16, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Five Thousand Dollars (\$5,000) in the State and Federal Grants Fund for purposes of the County Sheriff and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Sheriff for a one time reimbursement for one officer assigned to the U.S. Marshal Services' Operation Failed Chance Task Force.

SECTION 2. The sum of Five Thousand Dollars (\$5,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY SHERIFF</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	<u>5,000</u>
TOTAL INCREASE	5,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>5,000</u>
TOTAL REDUCTION	5,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 75, 2002 was retitled FISCAL ORDINANCE NO. 17, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 17, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97 2001) appropriating an additional Twelve Thousand Nine Hundred Twenty-eight Dollars (\$12,928) in the Law Enforcement Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the Law Enforcement Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (I), of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for the purpose of the Marion County Justice Agency to purchase computer equipment for the Marion County Sheriff's Department.

SECTION 2. The sum of Twelve Thousand Nine Hundred Twenty-eight Dollars (\$12,928) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>LAW ENFORCEMENT FUND</u>
4. Capital Outlay	<u>12,928</u>
TOTAL INCREASE	12,928

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>LAW ENFORCEMENT FUND</u>
Unappropriated and Unencumbered	
Law Enforcement Fund	<u>12,928</u>
TOTAL REDUCTION	12,928

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 76, 2002 was retitled FISCAL ORDINANCE NO. 18, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 18, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97 2001) appropriating an additional Seven Thousand Six Hundred Thirty-one Dollars (\$7,631) in the Law Enforcement Equitable Share Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the Law Enforcement Equitable Share Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (i), of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency to purchase computer equipment for the Marion County Sheriff's Department.

SECTION 2. The sum of Seven Thousand Six Hundred Thirty-one Dollars (\$7,631) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>LAW ENFORCEMENT EQUITABLE SHARE FUND</u>
4. Capital Outlay	<u>7,631</u>
TOTAL INCREASE	7,631

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>LAW ENFORCEMENT EQUITABLE SHARE FUND</u>
Unappropriated and Unencumbered	
Law Enforcement Equitable Share Fund	<u>7,631</u>
TOTAL REDUCTION	7,631

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 77, 2002, as amended, was retitled FISCAL ORDINANCE NO. 19, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 19, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97 2001) appropriating an additional Three Hundred Forty-nine Thousand Six Hundred Dollars (\$349,600) in the Forensic Services Training Fund for purposes of the County Auditor and Forensic Services Agency and reducing the unappropriated and unencumbered balance in the Forensic Services Training Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (e) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Forensic Services Agency to appropriate current and anticipated training fees to carry out the functions and duties of the laboratory.

SECTION 2. The sum of Three Hundred Forty-nine Thousand Six Hundred Dollars (\$349,600) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>FORENSIC SERVICES TRAINING FUND</u>
1. Personal Services-fringes	21,600
<u>FORENSIC SERVICES AGENCY</u>	
1. Personal Services	72,000
2. Supplies	20,000
3. Other Services and Charges	136,000
4. Capital Outlay	<u>100,000</u>
TOTAL INCREASE	349,600

SECTION 4. The said additional appropriation is funded by the following reductions, only to the extent of available fund balances:

	<u>FORENSIC SERVICES TRAINING FUND</u>
Unappropriated and Unencumbered	
Forensic Services Training Fund	<u>349,600</u>
TOTAL REDUCTION	349,600

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 574, 2001. Councillor Massie reported that the Rules and Public Policy Committee heard Proposal No. 574, 2001 on November 13, 2001, January 15, 2002, and February 12, 2002. The proposal, sponsored by Councillors Short and Massie, recognizes that the City of Indianapolis and the State of Indiana should observe Daylight Saving Time. By a 7-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Massie said that the change to Daylight Savings Time would provide many benefits as the time zone impacts many businesses and the change would help attract new companies to the

area. He added that although Councillor Short is not present this evening, as a co-sponsor, he is obviously in support of the proposal.

Councillor Sanders asked what the State's position is on this change. Councillor Massie said that he does not believe they yet have a position, and the passage of the proposal would urge the City to encourage the State to make the change.

Councillor Dowden moved, seconded by Councillor Smith, to insert "Central" before Daylight Savings Time in the proposal. The motion failed on the following roll call vote, viz:

9 YEAS: Bradford, Cockrum, Coonrod, Dowden, Nytes, Schneider, Smith, Soards, Tilford
19 NAYS: Bainbridge, Black, Borst, Boyd, Brents, Conley, Coughenour, Douglas, Gibson,
Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Sanders, SerVaas,
Talley
1 ABSENT: Short

President SerVaas said that this proposal would put Indianapolis more in tune with Eastern time and neighboring states and cities, except for Chicago.

Councillor Massie moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 574, 2001 was adopted on the following roll call vote; viz:

22 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Conley, Coughenour, Douglas, Gibson,
Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, SerVaas,
Smith, Soards, Talley, Tilford
6 NAYS: Bradford, Cockrum, Coonrod, Dowden, Sanders, Schneider
1 ABSENT: Short

Proposal No. 574, 2001 was retitled SPECIAL RESOLUTION NO. 15, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 15, 2002

A SPECIAL RESOLUTION recognizing that the City of Indianapolis and the State of Indiana should observe Daylight Saving Time (DST).

WHEREAS, 82 counties and approximately 82 percent of the state's population lies within the Eastern Time Zone; and

WHEREAS, the 10 Indiana counties located in the Central Time Zone already enjoy Daylight Saving Time, as do five southeastern Indiana counties which have adopted Eastern Daylight Time without state legal authority; and

WHEREAS, this creates, in effect, three different timekeeping zones within Indiana, and a considerable amount of confusion for businesses and travelers; and

WHEREAS, the current policy of exempting Indiana from Daylight Saving Time serves as a self-imposed barrier to new investment, and a competitive disadvantage for current Indiana employers; and

WHEREAS, we all have a stake in making Indiana as competitive as possible in attracting and growing job opportunities, now and in the future; and

WHEREAS, if Indiana observed DST, Hoosiers would realize other advantages as well, including more time after work and school for recreation, family events, sports and other activities; and

WHEREAS, simply moving all of Indiana into Daylight Saving Time, regardless of the time zone boundary, will represent an important step forward in strengthening our economy; and

WHEREAS, if Indiana extends Daylight Saving Time to the 77 counties now on year-around Standard Time, sunset will take place one hour later than it does today between the first Sunday in April and the last Sunday in October; and

WHEREAS, because of this effect, numerous studies have shown that individuals, businesses and units of government in areas with Daylight Saving Time save on energy costs that are not needed to pay for additional evening lighting; and

WHEREAS, research shows that crime rates and accidents involving motor vehicles and pedestrians, would both be reduced due to increased evening daylight; and

WHEREAS, because Daylight Saving Time has been linked to increased retail sales and is expected to have a positive long-term effect on the economic development of the City of Indianapolis, additional tax revenue and decreased costs could be an anticipated result; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes that the City of Indianapolis and the State of Indiana would greatly benefit from observing Daylight Saving Time.

SECTION 2. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Boyd asked where this issue goes from here. Councillor Massie said that this proposal will help the City to keep nudging the State to make the change.

PROPOSAL NO. 78, 2002. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 78, 2002 on February 21, 2002. The proposal, sponsored by Councillor Nytes, authorizes intersection controls on 27th and 28th Streets at Shriver Avenue (District 22). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coughenour moved, seconded by Councillor Nytes, for adoption. Proposal No. 78, 2002 was adopted on the following roll call vote; viz:

24 YEAS: Bainbridge, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Smith, Soards, Tilford
0 NAYS:
4 NOT VOTING: Black, Gray, SerVaas, Talley
1 ABSENT: Short

Proposal No. 78, 2002 was retitled GENERAL ORDINANCE NO. 27, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 27, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
18	27 th St Shriver Av	Shriver Av	Stop
18	28 th St Shriver Av	Shriver Av	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

NEW BUSINESS

Councillor Cockrum said that there is a new Indianapolis-Scarborough Peace Games website which can be found at www.indypeacegames.com.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillors Short, Boyd, Gibson, Gray, and Nytes in memory of Ada Marie Johnson; and
- (2) Councillor Talley in memory of Katherine Turner, Claudia B. Minion Gardner, and Lillie Mae Kelly Winston; and
- (3) Councillors Brents and Black in memory of Mary A. Artist; and
- (4) Councillor Langsford in memory of Frederick Caylor; and
- (5) Councillor Tilford in memory of Dr. Charles Gale; and
- (6) Councillor Sanders in memory of Henry Fon and Dr. Paul Stark.

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Ada Marie Johnson, Katherine Turner, Claudia B. Minion Gardner, Lillie Mae Kelly Winston, Mary A. Artist, Frederick Caylor, Dr. Charles Gale, Henry Fon, and Dr. Paul Stark. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:00 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 25th day of February, 2002.

February 25, 2002

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.



President

ATTEST:



Clerk of the Council

(SEAL)

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, MARCH 18, 2002**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:07 p.m. on Monday, March 18, 2002, with President SerVaas presiding.

Councillor Short introduced Monsignor Joseph Schaedel, pastor of Holy Rosary Catholic Church and Vicar General of the Archdiocese of Indianapolis, who led the opening prayer. Councillor Short then invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

President SerVaas instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

28 PRESENT: Bainbridge, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford
1 ABSENT: Black

A quorum of twenty-eight members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Sanders recognized members of the Service Employees International Union (SEIU), Local 131.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE
COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND
MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, March 18, 2002, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Beurt SerVaas
President, City-County Council

February 27, 2002

TO PRESIDENT SERVAAS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, March 1, 2002, a copy of a Notice of Public Hearing on Proposal Nos. 89-91, 97, 100, and 101, 2002, said hearing to be held on Monday, March 18, 2002, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Suellen Hart
Clerk of the City-County Council

March 4, 2002

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Suellen Hart, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 15, 2002 - approves an appropriation of \$500,000 in the 2002 Budget of the Department of Parks and Recreation (Federal Grants Fund) to renovate the parking lot, pool and bathhouse; and to add new basketball courts, additional landscaping and trails at Willard Park, financed by federal funds (Urban Park and Recreation Recovery Program) (Local match of \$214,285 is funded by existing appropriations in the Department of Parks and Recreation budget.)

FISCAL ORDINANCE NO. 17, 2002 - approves an increase of \$12,928 in the 2002 Budget of the Marion County Justice Agency (Law Enforcement Fund) to purchase computer equipment for the County Sheriff, financed by fund balances

FISCAL ORDINANCE NO. 18, 2002 - approves an increase of \$7,631 (Law Enforcement Equitable Share Fund) in the 2002 Budget of the Marion County Justice Agency to purchase computer equipment for the County Sheriff, financed by fund balances

FISCAL ORDINANCE NO. 19, 2002 - approves an increase of \$349,600 in the 2002 Budgets of the County Auditor and Forensic Services Agency (Forensic Services Training Fund) to carry out the functions and duties of the laboratory, funded from the fees for training foreign and domestic students in forensic analysis and crime scene services

GENERAL ORDINANCE NO. 27, 2002 - authorizes intersection controls on 27th and 28th Streets at Shriver Avenue (District 22)

SPECIAL RESOLUTION NO. 12, 2002 - recognizes the contributions of Dr. Jeffrey P. Bonner, President and Chief Executive Officer of the Indianapolis Zoological Society from 1993 to 2002

SPECIAL RESOLUTION NO. 13, 2002 - recognizes long time civic leader James T. Morris

SPECIAL RESOLUTION NO. 14, 2002 - welcomes the new Home Depot home improvement store to 2225 North Post Road and the two other Indianapolis locations

SPECIAL RESOLUTION NO. 15, 2002 - recognizes that the City of Indianapolis and the State of Indiana should observe Daylight Saving Time

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of February 25, 2002. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 80, 2002. The proposal, sponsored by Councillor Coughenour, remembers the life and contributions to Indianapolis by civil engineer Ronald Wukasch. Councillor Coughenour read the proposal and presented Ruth Wukasch with a copy of the document and a Council pin. Ms. Wukasch thanked the Council for the honor and stated that her husband loved the City of Indianapolis greatly. Councillor Coughenour moved, seconded by Councillor Conley, for adoption. Proposal No. 80, 2002 was adopted by a unanimous voice vote.

Proposal No. 80, 2002 was retitled SPECIAL RESOLUTION NO. 16, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 16, 2002

A SPECIAL RESOLUTION remembering the life and contributions to Indianapolis by civil engineer Ronald Wukasch.

WHEREAS, Dr. Ronald Wukasch was first and foremost a man of principle and quality who chose environmental engineering as his career and was a passionate and rigorous teacher and mentor to generations of Purdue students; and

WHEREAS, he served as an inspirational problem solver and mentor to business and government leaders, and was internationally recognized and admired for his innovative environmental engineering skills and common sense—having served in England and Australia; and

WHEREAS, he was instrumental in leading the nation's first and predominant annual industrial waste treatment conference at Purdue, whose subsequent conferences have spawned hundreds of critical technical advancements that improve our environment; and

WHEREAS, Dr. Wukasch received an Outstanding Civil Engineering Professor Award three times, and in 1991, was named the Outstanding Civil Engineer Of The Year by the Indiana Society of Civil Engineers; and

WHEREAS, Dr. Wukasch provided decades of valuable service to the City of Indianapolis in solving the substantial engineering challenges faced in managing the City's wastewater and solid waste in an environmentally-sound, cost-effective manner, thereby inspiring the construction of world-class facilities for advanced waste water treatment and resource recovery by mass burn of municipal solid waste; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council mourns the loss of Dr. Ronald Wukasch, and remembers, and continues to benefit from, his work with and for our City and expresses its profound sadness at the loss of a great friend.

SECTION 2. The Council extends its heartfelt gratitude and sympathy to Ron's widow, Ruth, to their children Matthew, Gretchen and Kate, and to their grandchildren.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 137, 2002. The proposal, sponsored by Councillors Moriarty Adams and Langsford, recognizes the Centennial Anniversary of Indianapolis' annexation of Irvington. Councillor Langsford read the proposal and presented representatives with copies of the document and Council pins. Councillor Moriarty Adams said that Irvington has contributed much to the City of Indianapolis and the area continues to have a very active Community Council. Paul Diebold, president of the Irvington Historical Society, shared some of the history of Irvington and its architecture. He encouraged the Council to support a forthcoming proposal to designate the area as a historic district. Jud West, president of the Historic Irvington Council, thanked the Council for the recognition. Councillor Langsford moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 137, 2002 was adopted by a unanimous voice vote.

Proposal No. 137, 2002 was retitled SPECIAL RESOLUTION NO. 17, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 17, 2002

A SPECIAL RESOLUTION recognizing the Centennial Anniversary of Indianapolis' annexation of Irvington.

WHEREAS, five years after the Civil War the community of Irvington was established on 320 acres east of Indianapolis as an idyllic residential suburb by its founders Jacob Julian and Sylvester Johnson; and

WHEREAS, Irvington's early residents desired to be incorporated as a town which was accomplished in 1873, and with the relocation of Butler University Irvington subsequently grew to become the "Classic Suburb"; and

WHEREAS, Irvington's residents governed themselves with pride for many years acquiring numerous public improvements in the town; and

WHEREAS, to secure additional civic advantages, including better fire protection, an adequate water supply, improved educational opportunities, access to health and sanitary services, and the prestige of being "Citizens of Indianapolis", Irvington agreed to be annexed into the City of Indianapolis with an ordinance by the City's Common Council, and signed by Mayor Charles Bookwalter on March 14, 1902; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council pauses to recognize the 132 year life of Irvington—a vital Eastside neighborhood—and the Centennial Anniversary of Irvington's becoming an important part of the City of Indianapolis.

SECTION 2. Today Irvington stands proud of its rich heritage, with special event days, restored houses, the Marion County Children's Guardian Home, antique malls and other small businesses, active community organizations, churches, notable parks, and a strong sense of neighborhood pride; and the Council wishes historic Irvington the very best for generations to come.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 138, 2002. The proposal, sponsored by Councillors Gibson and Short, recognizes The Children's Museum of Indianapolis. Councillor Gibson read the proposal and presented representatives with copies of the document and Council pins. Dr. Jeffrey Patchen, president and chief executive officer of the museum, thanked the Council for the recognition and introduced youth volunteers Megan James and Ashley Cole. Ms. James and Ms. Cole, members of the Children's Museum Youth Advisory Council, thanked the Council for their support and encouraged them to visit the museum. Hans Steck, chairman of the Board of Trustees, thanked the Council for the recognition and thanked the staff and volunteers of the Children's Museum for making the museum a world-class organization. Councillor Gibson moved, seconded by Councillor Short, for adoption. Proposal No. 138, 2002 was adopted by a unanimous voice vote.

Proposal No. 138, 2002 was retitled SPECIAL RESOLUTION NO. 18, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 18, 2002

A SPECIAL RESOLUTION recognizing The Children's Museum of Indianapolis.

WHEREAS, In February, "Child" magazine reported the results of their newest survey that ranked children's museums, and the new poll confirmed what Indianapolis people had known all along; that The Children's Museum of Indianapolis is America's largest and highest rated of all the 200 museums that are designed for kids; and

WHEREAS, the local Children's Museum was the inspiration of Mary Stewart Carey in 1925, opening first in a carriage house in the city's Old Northside, then later at the Garfield Park Shelter House, and in 1946, the Museum moved to the St. Clair Parry mansion at 30th and Meridian Streets where it has since grown to a 356,000 square foot complex on 13 acres; and

WHEREAS, for three-fourths of a century the Museum's emphasis has been to serve as an educational and entertaining experience for young people and families, and today The Children's Museum hosts 14 major exhibits, displays 10,000 artifacts including a 55-ton steam engine and a working 1920's carousel, a planetarium, a large format film theater, and in the works is "Dinosphere", an exhibit to house the third most complete *T. rex* dinosaur in the world; and

WHEREAS, the Museum has joined forces with neighbors as a catalyst to revitalize the neighborhood, and in the process is putting an exclamation point to Indy's new economic development emphasis of becoming a world class arts and culture destination city; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes and congratulates The Children's Museum of Indianapolis for their newest national recognition of being named the best in America.

SECTION 2. Indianapolis has been enriched by the vision of some civic minded women in the 1920's, and continuing through the legions of volunteers year after year, to the professional staff, generous endowments, the Guild, the million visitors a year, its Children's Museum dues-paying members, the Board of Trustees, and President & CEO Dr. Jeffrey Patchen who ties it all together.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 139, 2002. The proposal, sponsored by Councillors Coonrod and Dowden, recognizes and thanks Indiana State Treasurer Tim Berry for his innovative \$5 million state assistance for Indianapolis police and fire pension funding. Councillor Coonrod read the proposal and presented Mr. Berry with a copy of the document and a Council pin. Dave Young, Fraternal Order of Police, thanked Mr. Berry for his innovativeness and said that this helps free up police funds for other much-needed expenses. Mr. Berry said that the total assistance for the 129 cities

and towns in Indiana was \$22.5 million, and he was glad to do all he could to help Hoosier heroes and taxpayers. Councillor Coonrod moved, seconded by Councillor Dowden, for adoption. Proposal No. 139, 2002 was adopted by a unanimous voice vote.

Proposal No. 139, 2002 was retitled SPECIAL RESOLUTION NO. 19, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 19, 2002

A SPECIAL RESOLUTION recognizing and thanking Indiana State Treasurer Tim Berry for his innovative \$5 million state assistance for Indianapolis police and fire pension funding.

WHEREAS, during the Great Depression of the 1930's, the State of Indiana created the Public Deposit Insurance Fund to protect local government deposits against bank failures; and

WHEREAS, also during the 1930's, the state created a retirement program for career city police and firefighters; and

WHEREAS, over the years, the bank fund has grown to over \$300 million, with only \$1.6 million having ever been paid out in the history of the program, but the public safety officer's pension program was set up actuarially unsound until it was finally revised by the Legislature in 1977; and

WHEREAS, to help relieve the significant pre-1977 pension financial burden upon local communities, State Treasurer Tim Berry, who serves as Secretary-Investment Manager for the board that oversees the Public Deposit Insurance Fund, successfully appealed to the Legislature to use some of the interest from the seldom-used bank failure fund to help cities across the state with their police and fire pension budgets which are squeezing other city departments and causing tremendous pressures for property tax increases; and

WHEREAS, from this innovative idea, and a receptive Legislature, the City of Indianapolis will receive \$5,319,912 this year for police and fire pension relief; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes Indiana State Treasurer Tim Berry for his leadership and work beyond the normal dictates of duty to help Indianapolis and 128 other jurisdictions across the state with their local police and fire pension funding problems.

SECTION 2. This action is an outstanding example of vision and leadership that reflects the highest credit upon those whom we elect to manage our public affairs.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 140, 2002. The proposal, sponsored by Councillor Conley, recognizes motivator and Hoosier Minority Chamber of Commerce President Linda Clemons. Councillor Conley read the proposal and presented Ms. Clemons with a copy of the document and a Council pin. Ms. Clemons thanked the Council for the recognition. Councillor Conley moved, seconded by Councillor Talley, for adoption. Proposal No. 140, 2002 was adopted by a unanimous voice vote.

Proposal No. 140, 2002 was retitled SPECIAL RESOLUTION NO. 20, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 20, 2002

A SPECIAL RESOLUTION recognizing motivator and Hoosier Minority Chamber of Commerce President Linda Clemons.

WHEREAS, local personality Linda Clemons is making a big impact on the Indianapolis scene; and

WHEREAS, she is a motivational speaker, conducts workshops, and is the founder of "It's a Sistah Thang", a motivational forum in high schools and colleges that promotes spiritual, mental and emotional connectedness among women; and

WHEREAS, she is the Founder and President of Linda Clemons Productions, a motivational development and sales training seminar for business and schools, and is the founder of the Temple Cleansing Program, a weight management program; and

WHEREAS, Ms. Clemons is President of the new Hoosier Minority Chamber of Commerce where she has implemented minority business development programs including the state's first Hoosier Minority Speaker's Bureau; and

WHEREAS, beyond publishing a cookbook, she is host to Sistah Talk on WTLC radio, is a regular on Fox 59 TV show's Bargain Diva, and is listed in Who's Who directories; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the inspiring local citizen Linda Clemons.

SECTION 2. May her talents and personal motivation radiate a strong message about leading a full life and overcoming obstacles to many people in the years ahead.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

President SerVaas stated that Proposal Nos. 713, 714, 719, 720, and 724, 2001 and Proposal Nos. 53, 70, 71, 87, 94, 95, 96, and 99, 2002 are all board appointments that passed out of their respective committees with unanimous do pass recommendations. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 713, 2001. The proposal, sponsored by Councillor Borst, reappoints Larry J. Barrett to the Beech Grove Economic Development Commission. PROPOSAL NO. 714, 2001. The proposal, sponsored by Councillor Borst, reappoints C. Richard Petticrew to the Indianapolis Economic Development Commission. PROPOSAL NO. 719, 2001. The proposal, sponsored by Councillor Borst, reappoints Lincoln Plowman to the Metropolitan Board of Zoning Appeals Division III. PROPOSAL NO. 720, 2001. The proposal, sponsored by Councillor Borst, reappoints J. Darrell Bakken to the Metropolitan Board of Zoning Appeals Division III. PROPOSAL NO. 724, 2001. The proposal, sponsored by Councillor Borst, reappoints Phyllis Carr to the Urban Enterprise Association. PROPOSAL NO. 53, 2002. The proposal, sponsored by Councillor Tilford, reappoints Philip Borst to the Capital Improvements Board of Managers. PROPOSAL NO. 70, 2002. The proposal, sponsored by Councillor Smith, appoints Mac J. Martin to the Board of Zoning Appeals Division II. PROPOSAL NO. 71, 2002. The proposal, sponsored by Councillor Smith, appoints James R. Holden to the Public Housing Board. PROPOSAL NO. 87, 2002. The proposal, sponsored by Councillor Cockrum, appoints Alan Wiseman to the Indianapolis City Market Corporation Board of Directors. PROPOSAL NO. 94, 2002. The proposal, sponsored by Councillor Borst, reappoints Paul E. Ferguson to the Wellfield Education Corporation. PROPOSAL NO. 95, 2002. The proposal, sponsored by Councillor Borst, reappoints Kathryn Rietmann to the Wellfield Education Corporation. PROPOSAL NO. 96, 2002. The proposal, sponsored by Councillor Borst, reappoints John Schuler to the Wellfield Education Corporation. PROPOSAL NO. 99, 2002. The proposal, sponsored by Councillors Nytes and Boyd, appoints Phyllis Gabovitch to the Indianapolis City Market Corporation Board

of Directors. Councillor Borst moved, seconded by Councillor Boyd, for adoption. Proposal Nos. 713, 714, 719, 720, and 724, 2001 and Proposal Nos. 53, 70, 71, 87, 94, 95, 96, and 99, 2002 were adopted by a unanimous voice vote.

Proposal No. 713, 2001 was retitled COUNCIL RESOLUTION NO. 42, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 42, 2002

A COUNCIL RESOLUTION reappointing Larry J. Barrett to the Beech Grove Economic Development Commission.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Beech Grove Economic Development Commission, the Council reappoints:

Larry J. Barrett

SECTION 2. The appointment made by this resolution is for a term ending January 31, 2005. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 714, 2001 was retitled COUNCIL RESOLUTION NO. 43, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 43, 2002

A COUNCIL RESOLUTION reappointing C. Richard Petticrew to the Indianapolis Economic Development Commission.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Indianapolis Economic Development Commission, the Council reappoints:

C. Richard Petticrew

SECTION 2. The appointment made by this resolution is for a term ending January 31, 2005. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 719, 2001 was retitled COUNCIL RESOLUTION NO. 44, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 44, 2002

A COUNCIL RESOLUTION reappointing Lincoln Plowman to the Metropolitan Board of Zoning Appeals Division III.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Metropolitan Board of Zoning Appeals Division III, the Council reappoints:

Lincoln Plowman

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 720, 2001 was retitled COUNCIL RESOLUTION NO. 45, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 45, 2002

A COUNCIL RESOLUTION reappointing J. Darrell Bakken to the Metropolitan Board of Zoning Appeals Division III.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Metropolitan Board of Zoning Appeals Division III, the Council reappoints:

J. Darrell Bakken

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 724, 2001 was retitled COUNCIL RESOLUTION NO. 46, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 46, 2002

A COUNCIL RESOLUTION reappointing Phyllis Carr to the Urban Enterprise Association.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Urban Enterprise Association, the Council reappoints:

Phyllis Carr

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2005. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 53, 2002 was retitled COUNCIL RESOLUTION NO. 47, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 47, 2002

A COUNCIL RESOLUTION reappointing Philip Borst to the Capital Improvements Board of Managers.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Capital Improvements Board of Managers, the Council reappoints:

Philip Borst

SECTION 2. The appointment made by this resolution is for a term ending January 14, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 70, 2002 was retitled COUNCIL RESOLUTION NO. 48, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 48, 2002

A COUNCIL RESOLUTION appointing Mac J. Martin to the Board of Zoning Appeals Division II.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Board of Zoning Appeals Division II, the Council appoints:

Mac J. Martin

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 71, 2002 was retitled COUNCIL RESOLUTION NO. 49, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 49, 2002

A COUNCIL RESOLUTION appointing James R. Holden to the Public Housing Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Public Housing Board, the Council appoints:

James R. Holden

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2005. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 87, 2002 was retitled COUNCIL RESOLUTION NO. 50, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 50, 2002

A COUNCIL RESOLUTION appointing Alan Wiseman to the Indianapolis City Market Corporation Board of Directors.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Indianapolis City Market Corporation Board of Directors, the Council appoints:

Alan Wiseman

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 94, 2002 was retitled COUNCIL RESOLUTION NO. 51, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 51, 2002

A COUNCIL RESOLUTION reappointing Paul E. Ferguson to the Wellfield Education Corporation.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Wellfield Education Corporation, the Council reappoints:

Paul E. Ferguson

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 95, 2002 was retitled COUNCIL RESOLUTION NO. 52, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 52, 2002

A COUNCIL RESOLUTION reappointing Kathryn Rietmann to the Wellfield Education Corporation.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Wellfield Education Corporation, the Council reappoints:

Kathryn Rietmann

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 96, 2002 was retitled COUNCIL RESOLUTION NO. 53, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 53, 2002

A COUNCIL RESOLUTION reappointing John Schuler to the Wellfield Education Corporation.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Wellfield Education Corporation, the Council reappoints:

John Schuler

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 99, 2002 was retitled COUNCIL RESOLUTION NO. 54, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 54, 2002

A COUNCIL RESOLUTION appointing Phyllis Gabovitch to the Indianapolis City Market Corporation Board of Directors.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Indianapolis City Market Corporation Board of Directors, the Council appoints:

Phyllis Gabovitch

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 109, 2002. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Shawna Meyer Eikenberry as hearing officer"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 110, 2002. Introduced by Councillors Black and Sanders. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which establishes a minimum wage level for city and county employees, employees of certain local government contractors and those entities receiving property tax incentives"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 111, 2002. Introduced by Councillor Coonrod. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Sue Beesley to the City County Administrative Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 112, 2002. Introduced by Councillor Bradford. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$19,600 in the 2002 Budgets of the County Auditor and the Cooperative Extension Service (County Grants Fund) to fund Character Education at after-school sites within the Indianapolis Public School system, funded by a grant from the Indianapolis Board of School Commissioners"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 113, 2002. Introduced by Councillor Bainbridge. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints David B. Sears to the Speedway Economic Development Commission"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 114, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which amends Council Resolution No. 21, 2000 to correct the term of Al Polin as a member of the Citizens Police Complaint Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 115, 2002. Introduced by Councillors Dowden and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fire Special Service District Fiscal Ordinance which approves a re-appropriation of \$42,575 in the 2002 Budget of the Department of Public Safety, Fire Division (Federal Grants Fund) to manage the FEMA Urban Search and Rescue Task Force - 1, funded by a federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 116, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates the Department of Corrections'

increase of \$22,792 in the 2002 Budget of Community Corrections (Home Detention Fund) for FY 2001-02"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 117, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$650,000 in the 2002 Budget of Community Corrections (Home Detention Fund) to fund the housing of felons in the Corrections Center Component, funded by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 118, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$25,000 in the 2002 Budget of the Marion County Justice Agency (Conditional Release Fund) to provide funds for the redesign project of the Conditional Release Office"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 120, 2002. Introduced by Councillors Coughenour and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Solid Waste Collection Special Service District Fiscal Ordinance which approves an appropriation of \$258,000 in the 2002 Budget of the Department of Public Works, Operations Division (Solid Waste Collection Service District Fund) to pay for 2001 expenses as well as anticipated 2002 expenses for temporary labor services, financed by fund balances"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 121, 2002. Introduced by Councillors Coughenour and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a re-appropriation of \$330,000 in the 2002 Budget of the Department of Public Works, Operations Division (Solid Waste Disposal Fund) to pay prior year expenditures in order to maintain current year expenditures from the current year budget, financed by fund balances"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 122, 2002. Introduced by Councillors Coughenour and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$205,000 in the 2002 Budget of the Department of Public Works, Operations Division (Sanitation Liquid Waste Fund) to pay prior year expenditures for sewer billing services in order to maintain current year expenditures from the current year budget, financed by fund balances"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 123, 2002. Introduced by Councillors Coughenour and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$2,665,000 in the 2002 Budget of the Department of Public Works, Operations Division (Sanitation Liquid Waste Fund) to pay prior year expenditures for wastewater collection services in order to maintain current year expenditures from the current year budget, financed by fund balances"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 124, 2002. Introduced by Councillors Brents and Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes the Department of Public Works to implement a parking meter blackout on Monument Circle on May 24, 2002"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 125, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal at 86th Street and

Castleton Square Mall West Drive (Districts 4, 5)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 126, 2002. Introduced by Councillors Smith and Coughenour. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal at Emerson Avenue, Commerce Square, and McFarland Boulevard (Districts 23, 24)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 127, 2002. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls at Nathan Lane and Nathan Place (District 23)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 128, 2002. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls at Country Club Boulevard and Kayla Drive (District 18)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 129, 2002. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the Traditions of Westmont Park Subdivision (District 18)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 130, 2002. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 26th Street and Franklin Place (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 131, 2002. Introduced by Councillor Douglas. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls at 23rd Street and DeQuincy Street (District 10)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 132, 2002. Introduced by Councillor Bradford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Central Avenue and 58th Street (District 7)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 133, 2002. Introduced by Councillor Massie. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Ransdell Street from Pleasant Run Parkway N. Drive to Raymond Street (District 20)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 134, 2002. Introduced by Councillor Soards. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Northwest Boulevard from 84th Street to 86th Street (District 1)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 135, 2002. Introduced by Councillor Langsford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a one-way southbound on Downey Avenue from Julian Avenue to Washington Street; and authorizes parking restrictions on

Downey Avenue, on the west side, from a point 30 feet south of Julian Avenue to Washington Street (District 13)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 136, 2002. Introduced by Councillors Massie and Coughenour. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes the removal of parking restrictions for Sear Terrace between Palo Verde Drive and Paso Del Norte Drive (Districts 20, 24)"; and the President referred it to the Public Works Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 141, 2002, PROPOSAL NO. 142, 2002, PROPOSAL NOS. 143-147, 2002, and PROPOSAL NOS. 148-150, 2002. Introduced by Councillor Smith. Proposal No. 141, 2002, Proposal No. 142, 2002, Proposal Nos. 143-147, 2002, and Proposal Nos. 148-150, 2002 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on March 13 and 14, 2002. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 24-33, 2002, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 24, 2002.

2001-ZON-150

11850 EAST 38TH STREET (approximate address), INDIANAPOLIS.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 5

KEITH A. RUSSELL requests a rezoning of 20.6 acres, being in the D-A District, to the D-3 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 25, 2002.

2001-ZON-114

8630 BLUFF ROAD (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 25

ACTION ELECTRIC INC., by Michael J. Kias, requests a rezoning of 3.44 acres, being in the D-A (FF) (FW) (W-1) and SU-1 (FF) (FW) (W-1) Districts, to the C-S (FF) (FW) (W-1) classification to provide for an electrical contractor.

REZONING ORDINANCE NO. 26, 2002.

2001-ZON-026

3510 SOUTH POST ROAD (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23

TRIANGLE PROPERTIES, LLC, by David A. Retherford, requests a rezoning of 4.175 acres, being in the C-6 District, to the C-7 classification to provide for truck sales and related uses.

REZONING ORDINANCE NO. 27, 2002.

2001-ZON-135

7401 SOUTH FRANKLIN ROAD (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23

BAY DEVELOPMENT CORPORATION, by David A. Retherford, requests a rezoning of 29.418 acres, being in the D-A District, to the D-3 classification to provide for residential development.

REZONING ORDINANCE NO. 28, 2002.

2001-ZON-142

5609-5651 WEST 86TH STREET (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1

THE MONY LIFE INSURANCE COMPANY OF NEW YORK AND RTM INDIANAPOLIS. INC., by Mary E. Solada, request a rezoning of 2.098 acres, being in the C-3 District, to the C-4 classification to provide for a retail tire center and carwash.

REZONING ORDINANCE NO. 29, 2002.

2001-ZON-163

2257, 2258, 2261, 2264, 2301, 2302, 2305, and 2306 NORTH TALBOT STREET and 121 EAST 23RD STREET (Approximate Addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

DEPARTMENT OF METROPOLITAN DEVELOPMENT requests a rezoning of 1.03 acres, being in the C-1 (W-5) District, to the D-8 (W-5) classification to provide for the development of single-family dwellings within Fall Creek Place.

REZONING ORDINANCE NO. 30, 2002.

2001-ZON-167

1545 AND 1549 EAST 38TH STREET, 3750 FALL CREEK PARKWAY NORTH DRIVE (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 6

INSIGHT ENGINEERING, INC. requests a rezoning of 0.724 acre, being in the D-5 (W-5) and C-3 (W-5) District, to the C-4 (W-5) classification to provide for a gasoline station and car wash.

REZONING ORDINANCE NO. 31, 2002.

2001-ZON-152

747 NORTH COLLEGE AVENUE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

LYLE FEIGENBAUM requests a rezoning of 0.41 acre, being in the I-3-U District, to the CBD-2 classification to provide for an off-street parking lot.

REZONING ORDINANCE NO. 32, 2002.

2002-ZON-002

3237 WEST 16TH STREET (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 16

SAINTS CONSTANTINE and ELENA ORTHODOX CHURCH (BISCERICA ROMANA CHURCH) requests a rezoning of 4.72 acres, being in the D-5 & C-4 Districts, to the SU-1 classification to legally establish religious uses.

REZONING ORDINANCE NO. 33, 2002.

2002-ZON-006

315-329 SOUTH NEW JERSEY STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16

LIKE REALTY, by David R. Warshauer, requests a rezoning of 0.5 acre, being in the I-3-U (RC) District, to the CBD-2 (RC) classification to provide for central business district uses.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 101, 2002. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 101, 2002 on March 14, 2002. The proposal, sponsored by Councillors Coughenour and Moriarty Adams, approves the issuance of one or more series of City of Indianapolis, Indiana Waterworks District Revenue Bonds (Bonds) and, if necessary, one or more series of bond anticipation notes (BANs) in an aggregate principal amount not to exceed \$625,000,000 and approves and authorizes the Management Agreement and other actions in respect thereto. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Coonrod said that he feels US Filter and many other companies would have come to the City with their own \$625 million, acquired the company, and operated it at their own risk, without the City having to make an investment. He said that the Indianapolis Water Company is a perfectly good water company and has never been locally owned. The City is proposing to borrow the \$625 million and hand the company over to US Filter, practically guaranteeing US Filter a profit. He said that in order to pay back these bonds the City will have to either raise rates or cut personnel. He said that the other bidder complied with the request to keep the employees

whole and guarantee full compensation, retirement, and benefits, as the City promised last July. Instead US Filter made a proposal to cut those costs and scored higher by the City's consultants due to these cost savings, contrary to the request for proposal (RFP). Even with these contradictions, US Filter offered a proposal that has a higher cost overall. Councillor Coonrod said that he received a letter from Robert Reed from the National Conference of Firemen and Oilers which stated that it would be hard to convince employees and members of the community that the terms of this sale were not politically motivated. He added that it would be hard to convince himself of the same thing.

Councillor Coughenour said that there is a guarantee in the contract for no raise in water rates for five years. She said that when all factors were weighed, US Filter was the best bid for the money. US Filter has testified that there will be no change to any benefits the union personnel are now receiving, and the audience and Councillor Coonrod do not seem to understand this. She said that the union contract is due to be re-negotiated in December 2003, and US Filter testified that nothing would be signed that did not satisfy both sides. Councillor Coughenour said that the letter to which Councillor Coonrod referred was written before her Committee hearing, and therefore a representative from US Filter may be able to clear up some of these issues as they did in Committee. There is no guarantee that if an outside company bought the water company that they would do any better for the employees or provide any guarantees.

Jim King, Senior Vice President of US Filter's Operating Services, said that US Filter has great respect for Local 131, and with respect for the rules of the procurement, have not been able to have discussions with them, as yet. He said that US Filter will respect the collective bargaining agreement that is in place currently and there will be no change to that agreement unless asked for or accepted by Local 131. John Wood, General Manager of US Filter's Central Business Center, said that US Filter spent a lot of time researching employee issues during this process and are committed to honoring all agreements in place at this time. He said they have some additional programs they would like to introduce that they believe are equal to or better than what is in place at this time, but if not agreed upon, there will be no changes.

Councillor Sanders asked that members of Local 131 be allowed to speak due to the great number of union employees present this evening.

President SerVaas called for public testimony at 8:24 p.m.

Robert Reed, president of Local 131, said that he is concerned that there will be an erosion of current benefits and that union members will have to re-negotiate new contracts that might cause employees to lose benefits. He said that they are concerned about retirement funds and health benefits. He said that it seems this purchase is politically motivated and he does not feel that those who have worked for many years for this company should lose all that they have worked for.

Chris Burton, business agent for Local 131, said that the union contract only represents about half of the water company employees. The employees were promised that their benefits would not change by City officials and the Council. He said that if the billing company is sold, the entire purpose of the purchase will be nullified. He said that the purchase of the water company should not be funded through the pockets of the employees.

Lettie Oliver, American Federation of State, County and Municipal Employees (AFSCME) Council 62 political action director, said that dealings with the unsuccessful bidder, United Water, in the past have resulted in equal benefits and guaranteed employment. She said that the

employees are not assured of this with US Filter, and the employees should have the support of the City they have given their life and time to.

Councillor Schneider said that he feels this purchase has been handled very irresponsibly. He said that the Council has considered other bond issuances for much less money and had extensively more information and input provided before making a decision. He said that he feels this transaction was decided long before the proposals were even introduced, and the process is a slap in the taxpayer's face.

Councillor Coonrod moved, seconded by Councillor Schneider, to postpone Proposal Nos. 101 and 100, 2002 until April 8, 2002. He said that he does not believe the proposals need to be acted on this evening, and he does not feel enough opportunity has been given to really consider this transaction properly.

Councillor Coughenour recognized those present who have spent a lot of time on this project. She said that the Council has a Committee system in place to promote time efficiency, but if a Councillor has an interest in a particular subject, they should make the effort to attend meetings, watch Channel 16, or request a video of the hearings in order to be informed. She said that there has been plenty of time and opportunity to familiarize oneself with this issue, and she feels a postponement is not warranted.

Councillor Horseman said that she will be abstaining on all votes pertaining to Proposal Nos. 100 and 101, 2002 due to a conflict of interest.

The motion to postpone Proposal Nos. 101 and 100, 2002 failed on the following roll call vote; viz:

7 YEAS: Borst, Bradford, Coonrod, Dowden, Schneider, Smith, Tilford
20 NAYS: Bainbridge, Boyd, Brents, Cockrum, Conley, Coughenour, Douglas, Gibson, Gray, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, SerVaas, Short, Soards, Talley
1 NOT VOTING: Horseman
1 ABSENT: Black

Councillor Coughenour said that this project is one of the best things she has seen the Council approve during all her years of service, and this will bring great benefits to the community.

Councillor Coughenour moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 101, 2002, as amended, was adopted on the following roll call vote; viz:

19 YEAS: Bainbridge, Boyd, Brents, Conley, Coughenour, Douglas, Gibson, Gray, Knox, Langsford, McWhirter, Moriarty Adams, Nytes, Sanders, SerVaas, Short, Soards, Talley, Tilford
8 NAYS: Borst, Bradford, Cockrum, Coonrod, Dowden, Massie, Schneider, Smith
1 NOT VOTING: Horseman
1 ABSENT: Black

Proposal No. 101, 2002, as amended, was retitled GENERAL RESOLUTION NO. 1, 2002, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 1, 2002

A PROPOSAL FOR A GENERAL RESOLUTION approving the issuance of one or more series of City of Indianapolis, Indiana Waterworks District Revenue Bonds (Bonds) and, if necessary, one or more series of bond anticipation notes (BANs) in an aggregate principal amount not to exceed Six Hundred Twenty-Five Million Dollars (\$625,000,000) and approving and authorizing the Management Agreement and other actions in respect thereto.

WHEREAS, the Board of Directors of the Department of Waterworks (Board) of the City of Indianapolis, Indiana (City), being the governing body of the Waterworks District of the City (Waterworks District), on March 5, 2002 adopted a bond resolution, in substantially final form (Bond Resolution), authorizing the issuance of the Bonds of the Waterworks District to be issued in one or more series or issues and BANs of the Waterworks District to be issued in one or more series, in the aggregate principal amount not to exceed Six Hundred Twenty-Five Million Dollars (\$625,000,000), for the purposes of procuring funds to apply to the costs of acquiring a waterworks system for the Waterworks District (Project); and

WHEREAS, IC 36-3-5-8 requires the City-County Council of Indianapolis and of Marion County (City-County Council) to approve the issuance of bonds by any special taxing district of the City; and

WHEREAS, the Waterworks District is a special taxing district of the City pursuant to statute, but the Waterworks District does not intend to levy any property taxes in the Waterworks District; and

WHEREAS, IC 5-1.4 provides that a "qualified entity", which term includes the Waterworks District as a department of the City created by General Ordinance 112, 2001, may issue and sell its bonds or notes to The Indianapolis Local Public Improvement Bond Bank (Bond Bank); and

WHEREAS, the Executive Director of the Bond Bank has expressed a willingness to purchase the Bonds and BANs in a negotiated sale subject to approval by the Board of Directors of the Bond Bank; and

WHEREAS, on March 5, 2002, the Board determined pursuant to IC 5-23, subject to approval by the City-County Council, to enter into a management agreement for the operation, expansion, maintenance, repair and management of the waterworks system (Management Agreement); and

WHEREAS, the City-County Council has determined to approve the Management Agreement; and

WHEREAS, the City-County Council has determined that the issuance of the Bonds and BANs by the Waterworks District should be approved; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council does hereby approve the issuance and sale to the Bond Bank of the Bonds of the Waterworks District, to be issued in one or more series, and BANs, to be issued in one or more series, in an aggregate principal amount not to exceed Six Hundred Twenty-Five Million Dollars (\$625,000,000) to apply on the costs of the Project, payable solely from the revenues of the waterworks as specified in the Bond Resolution, which is incorporated herein by reference and a copy of which shall be attached to the official copy of this resolution.

SECTION 2. The City-County Council does hereby approve the Management Agreement in substantially the final form of which is incorporated herein by reference and a copy of which shall be attached to the official copy of this resolution.

SECTION 3. The Intergovernmental Agreements, copies of which are attached to the official copy of this resolution, one between the Consolidated City of Indianapolis Board of Waterworks and Marion County and one between the Consolidated City of Indianapolis Department of Waterworks and the Consolidated City of Indianapolis are hereby authorized and approved; and the Mayor is authorized to execute the agreements as chief executive of Marion County and as Mayor of the Consolidated City.

SECTION 4. This Resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 100, 2002. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 100, 2002 on March 14, 2002. The proposal, sponsored by Councillors Coughenour and Moriarty Adams, authorizes the assignment of Indianapolis Water Company's

liabilities and obligations under the 1998 Bonds to the Waterworks District, and authorizes the 1998 Bonds to be payable from the net revenues of the Waterworks District. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:34 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 100, 2002 was adopted on the following roll call vote; viz:

20 YEAS: Bainbridge, Boyd, Brents, Conley, Coughenour, Douglas, Gibson, Gray, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, SerVaas, Short, Soards, Talley, Tilford

7 NAYS: Borst, Bradford, Cockrum, Coonrod, Dowden, Schneider, Smith

1 NOT VOTING: Horseman

1 ABSENT: Black

Councillor Sanders said that she did not take these votes lightly, but she is taking U.S. Filter representatives at their word to insure that the employees will have equal benefits.

Proposal No. 100, 2002 was retitled SPECIAL ORDINANCE NO. 1, 2002, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 1, 2002

A SPECIAL ORDINANCE of the City of Indianapolis amending City-County Special Ordinance No. 5, 1998 relating to certain outstanding City of Indianapolis Economic Development Water Facilities Refunding Revenue Bonds, Series 1998 (Indianapolis Water Company Project) and approving and authorizing certain actions in respect thereto.

WHEREAS, on June 22, 1998, the City-County Council passed its Special Ordinance No. 5, 1998, authorizing the City of Indianapolis to issue its \$10,000,000 City of Indianapolis Indiana Economic Development Water Facilities Refunding Revenue Bonds, Series 1998 (Indianapolis Water Company Project) (the "1998 Bonds"), and approving and authorizing other actions in respect thereto; and

WHEREAS, on July 29, 1998, the 1998 Bonds were issued and delivered in the principal amount of \$10,000,000 and remain outstanding in that original principal amount; and

WHEREAS, the City intends to purchase and acquire substantially all of the assets and properties of Indianapolis Water Company (and assets and properties of certain of its affiliates), including those assets and properties for which the 1998 Bonds were issued; and

WHEREAS, the City intends to finance the acquisition of such assets and properties with is Waterworks District Net Revenue Bonds, Series 2002 (the "2002 Bonds"), which Bonds will be payable from the net revenues of the City's Waterworks District, a special taxing district, and from certain other funds, but will not constitute a debt or liability of the Waterworks District or the City of Indianapolis under the Constitution and laws of the State of Indiana or a pledge of the faith, credit or taxing power of the City or the Waterworks District; and

WHEREAS, the City and the Waterworks District have determined that it is in the best interests of the City, the Waterworks District and the residents of the City that the 1998 Bonds remain outstanding and become an obligation of the Waterworks District, payable from the Net Revenues of the Waterworks District and certain other funds but not a debt or liability of the Waterworks District or the City of Indianapolis under the Constitution and laws of the State of Indiana or a pledge of the faith, credit or taxing power of the City or the Waterworks District; and

WHEREAS, the Indianapolis Water Company will assign all its rights under or arising in connection with the 1998 Bonds to the Waterworks District and Indianapolis Water Company will be released from all liabilities in connection therewith; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City hereby authorizes and approves the assignment by IWC of all its rights relating to the 1998 Bonds and arising thereunder or under any document, instrument or agreement executed in connection therewith to the Waterworks District and further authorizes and approves the assumption by the Waterworks District of all obligations and liabilities of IWC evidenced by the Bonds, provided, however, that such obligations and liabilities shall be payable from the net revenues of the Waterworks District and from certain other funds, but will not constitute a debt or liability of the Waterworks District or the City under the Constitution and laws of the State of Indiana or a pledge of the faith, credit or taxing power of the City or the Waterworks District.

SECTION 2. The officers of the City and of the Waterworks District are hereby authorized and directed to execute and deliver all such documents, instruments and agreements as may, in their judgment, be necessary or appropriate to evidence, confirm and complete the assignment and assumption authorized and approved by Section 1 of this special ordinance, which shall include, specifically, an assignment and assumption agreement, a specific acceptance of assignment, a specific assumption or assumptions, an indemnity and one or more bond insurance or other credit enhancement related agreements or documents.

SECTION 3. This special ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

Councillor Soards asked for a point of personal privilege to welcome former Mayor William Hudnut, who now serves as Senior Resident Fellow for Public Policy at the Urban Land Institute, to say a few words to the Council. Mr. Hudnut commended the Council for their moral courage in making tough decisions for the betterment of this great City. He wished everyone well and stated that he is now on the other side of the fence, as a member of the Council in Chevy Chase, Maryland, and knows what kind of challenges such a body faces.

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 89 and 91, 2002 on February 27, 2002. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 89, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$5,608 in the 2002 Budget of the County Sheriff (State and Federal Grants Fund) to purchase 4 radar units and 14 personal breath testers, funded by a grant from the Governor's Council on Impaired & Dangerous Driving. PROPOSAL NO. 91, 2002. The proposal, sponsored by Councillors Dowden and Moriarty Adams, approves an increase of \$3,825 in the 2002 Budget of the Department of Public Safety, Animal Care and Control Division (Consolidated County Fund) to purchase bedding and mats for animals held at the shelter, financed by donations made for that purpose. By 9-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President SerVaas called for public testimony at 8:41 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal Nos. 89 and 91, 2002 were adopted on the following roll call vote; viz:

25 YEAS: Bainbridge, Borst, Boyd, Bradford, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Short, Smith, Soards, Talley, Tilford

1 NAY: Brents

2 NOT VOTING: Schneider, SerVaas

1 ABSENT: Black

Proposal No. 89, 2002 was retitled FISCAL ORDINANCE NO. 20, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 20, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97 2001) appropriating an additional Five Thousand Six Hundred Eight Dollars (\$5,608)

in the State and Federal Grants Fund for purposes of the County Sheriff and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Sheriff to purchase 4 (four) radar units and 14 (fourteen) personal breath testers.

SECTION 2. The sum of Five Thousand Six Hundred Eight Dollars (\$5,608) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY SHERIFF</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
2. Supplies	<u>5,608</u>
TOTAL INCREASE	5,608

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered State and Federal Grants Fund	<u>5,608</u>
TOTAL REDUCTION	5,608

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 91, 2002 was retitled FISCAL ORDINANCE NO. 21, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 21, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 95, 2001) appropriating an additional Three Thousand Eight Hundred Twenty-five Dollars (\$3,825) in the Consolidated County Fund for purposes of the Department of Public Safety, Animal Care and Control Division, and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(k) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Animal Care and Control Division, to purchase bedding and mats for the animals at the shelter from donations made for that purpose.

SECTION 2. The sum of Three Thousand Eight Hundred Twenty-five Dollars (\$3,825) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u>	
<u>ANIMAL CARE AND CONTROL DIVISION</u>	
2. Materials and Supplies	<u>3,825</u>
TOTAL INCREASE	3,825

SECTION 4. The said additional appropriation is funded by the following reductions:

<u>CONSOLIDATED COUNTY FUND</u>	
Unappropriated and Unencumbered	
Consolidated County Fund	<u>3,825</u>
TOTAL REDUCTION	3,825

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 97, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 97, 2002 on February 27, 2002. The proposal, sponsored by Councillors Dowden and Moriarty Adams, determines that the execution of an amendment (Arrestee Processing Center) to the Lease for Jail II is necessary. By an 8-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Dowden said that due to the mandate, the cost of not following through with this process will far exceed the cost of this project. Also, the City faces the threat of having to turn more prisoners loose.

Councillor Nytes said that she believes the Council needs to re-think moving forward on this project. She said that the parties have made excellent progress on the neighborhood issues, but she is still concerned about financial repayment of the project. She moved, seconded by Councillor Douglas, to postpone Proposal No. 97, 2002 until a fiscal repayment plan has been identified.

Councillor Dowden said that many individuals have been working on this project for some time, including financial people. He said that the City is now under a federal court order, and public safety needs to be addressed. He said that doing nothing will be far more expensive and could result in being held in contempt of a federal court order.

Councillor Gibson asked the Auditor how these bonds will be repaid. Marty Womacks, County Auditor, said that a repayment source has not yet been specifically identified. She said that she expects that she will have some options to present to the Council in the next few weeks. She said that she is more concerned about the possible \$4.1 million fine that might be imposed if a financial solution is not found to this project, and she is confident a solution will be found.

Councillor Conley asked if a postponement could give Ms. Womacks a time to come back to the Committee with a specific repayment plan. Ms. Womacks said that she does not know that the Auditor's Office will be prepared to present these plans before the hearing in April before Judge Barker regarding the mandate. She said at that hearing, the County must provide proof that they are moving forward in rectifying the lock-up overcrowding issue. Robert Elrod, General Counsel, said that the court hearing is before or shortly after the next Council meeting, and without this proposal, the County may be found in contempt by the judge. He said that this particular proposal does not deal with the financing of the project, but simply amends the lease. Tax rates and budget numbers will probably not be known until the budget process begins in

August. He said that he assumes the financial aspect of this project will be addressed and solved during the budget process.

Councillor Horseman said that she will abstain from voting on this proposal due to a conflict of interest.

The motion to postpone Proposal No. 97, 2002, until a financial plan is in place failed by the following roll call vote; viz:

*8 YEAS: Boyd, Brents, Conley, Douglas, Gibson, Gray, Nytes, Sanders
17 NAYS: Bainbridge, Borst, Bradford, Cockrum, Coonrod, Dowden, Knox, Langsford,
Massie, McWhirter, Moriarty Adams, SerVaas, Short, Smith, Soards, Talley, Tilford
3 NOT VOTING: Coughenour, Horseman, Schneider
1 ABSENT: Black*

President SerVaas called for public testimony at 9:06 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 97, 2002 was adopted on the following roll call vote; viz:

*17 YEAS: Bainbridge, Borst, Cockrum, Coonrod, Coughenour, Dowden, Knox, Langsford,
Massie, McWhirter, Moriarty Adams, SerVaas, Short, Smith, Soards, Talley, Tilford
9 NAYS: Boyd, Bradford, Brents, Conley, Douglas, Gibson, Gray, Nytes, Sanders
2 NOT VOTING: Horseman, Schneider
1 ABSENT: Black*

Proposal No. 97, 2002 was retitled GENERAL ORDINANCE NO. 29, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 29, 2002

A GENERAL ORDINANCE approving a form of a lease amendment, authorizing the execution of such lease amendment and ratifying actions taken in connection therewith.

WHEREAS, Marion County, Indiana (the "County"), has previously entered into a lease (the "Original Lease") for the Leased Premises (as defined in the Lease Amendment referred to below), which annual lease rentals are used to pay the principal of, and interest on the Indianapolis-Marion County Building Authority Jail Building Bonds of 1997 (the "1997 Bonds"); and

WHEREAS the County and the Indianapolis-Marion County Building Authority (the "Building Authority") have given consideration to the renovation of the warehouse located at 752 East Market Street, Indianapolis, Indiana (the "Building"), for the primary purpose of using the Building, once renovated, as an intake, processing, holding, and housing facility for persons in the custody of law enforcement (the "Arrestee Processing Center"); and

WHEREAS, the Original Lease must be amended to provide for the leasing of additional improvements to the Leased Premises hereinafter defined as the Project by the Building Authority to the County (the "Lease Amendment"), which annual lease rentals will be used to pay the principal of, and interest on the proposed additional revenue bonds to be issued by the Building Authority for the Project; and

WHEREAS, the Building Authority has been created under and pursuant to the provisions of Indiana Code 36-9-13, as amended (the "Act") for the purpose of, among others, constructing, operating and leasing to governmental units within the territorial boundaries of the County, lands and governmental buildings for public or governmental purposes; and

WHEREAS, the County desires to have the Building Authority undertake the renovation of all or a portion of the Building, consisting of renovations to a portion of the basement, all four floors, the exterior and the site of the Building to allow for the Arrestee Processing Center, and other necessary improvements to provide for office space and clerical support space for County employees, other program and service areas, and various

related improvements on the real property upon which the Building is located (collectively, the "Project") for lease to the County; and

WHEREAS, there have been prepared drawings and estimates for the cost of the Project; and

WHEREAS, the County has negotiated a proposed Lease Amendment for the Project, as renovated, with the Building Authority, in the form attached to the official copy of this ordinance as Exhibit A (the "Lease Amendment"), which Lease Amendment has been the subject of a public hearing by the County on March 18, 2002, in accordance with Section 27 of the Act; and

WHEREAS, the County and the Building Authority have tentatively agreed upon the proposed terms and conditions of the Lease Amendment subject to the public hearing; and

WHEREAS, there is before this City-County Council of the City of Indianapolis (the "Council") a copy of the Lease Amendment as submitted to public hearing, together with drawings of the Project as prepared by architects employed by the Building Authority and an estimate of the costs of the Project; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Council hereby finds and determines that the execution of the Lease Amendment with an annual fixed rental not to exceed \$1,244,000, for a term not to exceed twenty-one (21) years, is necessary to provide proper facilities to the County, and that the basis for the determination of the annual fixed rental is fair and reasonable. A copy of such Lease Amendment is attached to the official copy of this Ordinance as Exhibit A.

SECTION 2. The Council hereby approves the Lease Amendment, and the Mayor of the City of Indianapolis, Indiana (the "Mayor"), for and on behalf of the County, is hereby authorized and directed to execute and deliver the Lease Amendment, including the addenda attached thereto, with such changes to the Lease Amendment and/or the addenda as the Mayor deems necessary or advisable, which will not materially adversely affect the financial terms of the Lease Amendment, in the name and on behalf of the County, and the Auditor of Marion County, Indiana, be and hereby is, authorized and directed to affix the seal of the County and to attest such seal, execution and delivery and any such extension and/or attestation heretofore effected be, and hereby is, ratified and approved.

SECTION 3. Any and all publications of notice of the public hearing held before this Council on the Lease Amendment in accordance with Indiana Code 5-3-1, as amended, and Section 27 of the Act previously published by the Clerk of the Council are hereby ratified and approved.

SECTION 4. The Clerk of the Council is hereby authorized and directed to publish notices of the approval of the Lease Amendment as provided in Section 28 of the Act.

SECTION 5. The Council hereby approves the leasing of the Site (as defined in the Lease Amendment) to the Building Authority for the sum of \$1.00 payable to the County for the entire extended term of the Original Lease as amended by the Lease Amendment upon the terms and conditions set forth therein.

SECTION 6. The Mayor, for and on behalf of the County, is hereby authorized and directed to execute and deliver such documents and to take such actions as he deems necessary or desirable to effect the foregoing resolution, and any such documents heretofore executed and delivered and any such actions heretofore taken be, and hereby are, ratified and approved.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 88, 2002. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 88, 2002 on March 4, 2002. The proposal, sponsored by Councillor Smith, approves a transfer of \$5,100 in the 2002 Budgets of the County Auditor and County Surveyor (County General Fund) to provide surveying services to IMAGIS in targeting specified control points for the 2002 aerial photography flyover. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Smith

moved, seconded by Councillor Coughenour, for adoption. Proposal No. 88, 2002 was adopted on the following roll call vote; viz:

23 YEAS: Bainbridge, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Dowden, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Nytes, Sanders, SerVaas, Short, Smith, Soards, Tilford

0 NAYS:

5 NOT VOTING: Douglas, Gibson, Moriarty Adams, Schneider, Talley

1 ABSENT: Black

Proposal No. 88, 2002 was retitled FISCAL ORDINANCE NO. 22, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 22, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No.96, 2001) transferring and appropriating an additional Five Thousand One Hundred Dollars (\$5,100) in the County General Fund for purposes of the County Auditor and County Surveyor and reducing certain other appropriations from that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(b) and (f) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and County Surveyor to provide surveying services to IMAGIS in targeting specified control points for the 2002 aerial photography flyover.

SECTION 2. The sum of Five Thousand One Hundred Dollars (\$5,100) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services-fringes	1,177
 <u>COUNTY SURVEYOR</u>	
1. Personal Services	3,923
TOTAL INCREASE	5,100

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>COUNTY SURVEYOR</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	5,100
TOTAL DECREASE	5,100

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 93, 2002. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 93, 2002 on March 14, 2002. The proposal, sponsored by Councillor Bainbridge, authorizes a multi-way stop at Corvallis Crescent and Eagledale Drive (District 8). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coughenour moved, seconded by Councillor Bainbridge, for adoption. Proposal No. 93, 2002 was adopted on the following roll call vote; viz:

24 YEAS: Bainbridge, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, SerVaas, Short, Soards, Tilford

0 NAYS:

4 NOT VOTING: Gibson, Schneider, Smith, Talley

1 ABSENT: Black

Proposal No. 93, 2002 was retitled GENERAL ORDINANCE NO. 28, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 28, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
16	Corvallis Crescent Eagledale Dr	Eagledale Dr	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
16	Corvallis Crescent Eagledale Dr	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

President SerVaas convened the Fire Special Service District Council.

**SPECIAL SERVICE DISTRICT COUNCILS
FIRE SPECIAL SERVICE DISTRICT
SPECIAL ORDERS - PUBLIC HEARING**

PROPOSAL NO. 90, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 90, 2002 on February 27, 2002. The proposal, sponsored by Councillors Dowden and Moriarty Adams, approves an appropriation of \$70,942 in the 2002 Budget of the Department of Public Safety, Fire Division (Federal Grants Fund) for fire safety programs through Survive Alive, financed by a federal grant (Federal Emergency Management Agency) (Local match of \$30,403 is funded by existing appropriations in the Department of Public Safety, Fire Division's 2002 Budget.). By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 9:10 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 90, 2002 was adopted on the following roll call vote; viz:

22 YEAS: Bainbridge, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gray, Knox, Langsford, Massie, McWhirter, Moriarty, Adams, Nytes, Sanders, SerVaas, Soards, Tilford

0 NAYS:

6 NOT VOTING: Gibson, Horseman, Schneider, Short, Smith, Talley

1 ABSENT: Black

Proposal No. 90, 2002 was retitled FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 2002, and reads as follows:

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 2002

A FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the Fire Special Service District Budget for 2002 (Fire Special Service District Fiscal Ordinance No. 4, 2001) appropriating Seventy Thousand Nine Hundred Forty-two Dollars (\$70,942) in the Federal Grants Fund for purposes of the Department of Public Safety, Fire Division and reducing the unappropriated and unencumbered balance in the Federal Grants Fund.

BE IT ORDAINED BY THE FIRE SPECIAL SERVICE DISTRICT COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 of the Fire Special Service District Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Fire Division, for fire safety training through programs at Survive Alive.

SECTION 2. The sum of Seventy Thousand Nine Hundred Forty-two Dollars (\$70,942) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

DEPARTMENT OF PUBLIC SAFETY

FIRE DIVISION

- 2. Materials and Supplies
- 3. Other Services and Charges
- 4. Capital Outlay
- TOTAL INCREASE

FEDERAL GRANTS FUND

21,763
28,159
21,020
70,942

SECTION 4. The said additional appropriation is funded by the following reductions:

FEDERAL GRANTS FUND

- Unappropriated and Unencumbered
- Federal Grants Fund
- TOTAL REDUCTION

70,942
70,942

SECTION 5. This grant will be matched by appropriations in the Department of Public Safety, Fire Division's 2002 Budget, as follows:

DEPARTMENT OF PUBLIC SAFETY

FIRE DIVISION

- 2. Materials and Supplies
- 3. Other Services and Charges
- 4. Capital Outlay
- TOTAL

FIRE GENERAL FUND

4,636
218
25,549
30,403

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the program described in section 1 above.

SECTION 8. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Smith in memory of Michael Swartz; and
- (2) Councillor Talley in memory of Alfred Erickson and Joyce Bradley; and
- (3) Councillor Soards in memory of Joseph Goldsmith; and
- (4) Councillor Massie in memory of Catherine Laird; and
- (5) Councillor Tilford in memory of Bessie Mae Blissett Moore.

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Michael Swartz, Alfred Erickson, Joyce Bradley, Joseph Goldsmith, Catherine Laird, and Bessie Mae Blissett Moore. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:12 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 18th day of March, 2002.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.



President

ATTEST:



Clerk of the Council

(SEAL)

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, APRIL 8, 2002**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:15 p.m. on Monday, April 8, 2002, with President SerVaas presiding.

Councillor Cockrum led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

President SerVaas instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

28 PRESENT: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford
1 ABSENT: Gray

A quorum of twenty-eight members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Borst recognized constituent, well-known attorney, and entrepreneur Larry Lund.

OFFICIAL COMMUNICATIONS

President SerVaas called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council

Chambers, on Monday, April 8, 2002, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Beurt SerVaas
President, City-County Council

March 19, 2002

TO PRESIDENT SERVAAS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, March 22, 2002, a copy of a Notice of Public Hearing on Proposal Nos. 112, 115-117, and 120-123, 2002, said hearing to be held on Monday, April 8, 2002, at 7:00 p.m. in the City-County Building and legal notice of approval of the first amendment to the Arrestee Processing Center lease.

Respectfully,
s/Suellen Hart
Clerk of the City-County Council

March 28, 2002

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Suellen Hart, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 21, 2002 - approves an increase of \$3,825 in the 2002 Budget of the Department of Public Safety, Animal Care and Control Division (Consolidated County Fund) to purchase bedding and mats for animals held at the shelter, financed by donations made for that purpose

GENERAL ORDINANCE NO. 28, 2002 - authorizes a multi-way stop at Corvallis Crescent and Eagledale Drive (District 8)

GENERAL ORDINANCE NO. 29, 2002 - determines that the execution of an amendment (Arrestee Processing Center) to the Lease for Jail II is necessary

SPECIAL ORDINANCE NO. 1, 2002 - authorizes the assignment of Indianapolis Water Company's liabilities and obligations under the 1998 Bonds to the Waterworks District, and authorizes the 1998 Bonds to be payable from the net revenues of the Waterworks District

GENERAL RESOLUTION NO. 1, 2002 - approves the issuance of one or more series of City of Indianapolis, Indiana Waterworks District Revenue Bonds (Bonds) and, if necessary, one or more series of bond anticipation notes (BANs) in an aggregate principal amount not to exceed \$625,000,000 and approves and authorizes the Management Agreement and other actions in respect thereto

SPECIAL RESOLUTION NO. 16, 2002 - remembers the life and contributions to Indianapolis by civil engineer Ronald Wakasch

SPECIAL RESOLUTION NO. 17, 2002 - recognizes the Centennial Anniversary of Indianapolis' annexation of Irvington

SPECIAL RESOLUTION NO. 18, 2002 - recognizing The Children's Museum of Indianapolis

SPECIAL RESOLUTION NO. 19, 2002 - recognizes and thanks Indiana State Treasurer Tim Berry for his innovative \$5 million state assistance for Indianapolis police and fire pension funding

SPECIAL RESOLUTION NO. 20, 2002 - recognizes motivator and Hoosier Minority Chamber of Commerce President Linda Clemons

April 8, 2002

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 2002 - approves an appropriation of \$70,942 in the 2002 Budget of the Department of Public Safety, Fire Division (Federal Grants Fund) for fire safety programs through Survive Alive, financed by a federal grant (Federal Emergency Management Agency) (Local match of \$30,403 is funded by existing appropriations in the Department of Public Safety, Fire Division's 2002 Budget.)

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of March 18, 2002. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 176, 2002. The proposal, sponsored by Councillor Talley, recognizes Cieare Horton. Councillor Talley read the proposal and presented Ms. Horton with a copy of the document and a Council pin. Miss Horton thanked the Council for the recognition. Councillor Conley said that he has known the Horton family for many years, and he also congratulated Miss Horton. Councillor Talley moved, seconded by Councillor Conley, for adoption. Proposal No. 176, 2002 was adopted by a unanimous voice vote.

Proposal No. 176, 2002 was retitled SPECIAL RESOLUTION NO. 21, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 21, 2002

A SPECIAL RESOLUTION recognizing Cieare Horton.

WHEREAS, Miss Cieare Horton is a junior at Warren Central High School who is in the National Honor Society, the National Achiever's Society of the Indianapolis Urban League, the Academy of Information Technology, and is on the Junior Class Council; and

WHEREAS, she ranks in the upper third of her class and voluntarily tutors younger students in many fields, including moral conduct; and

WHEREAS, Miss Horton sings in the Church choir and is on the Junior Female Usher Board at The United House of Prayer for All People Church; and

WHEREAS, Cieare is already touring college campuses before she makes her final choice which is tentatively IUPUI or Indiana University, but one of her deep down dreams is to be a glamour model some day, having already been approached by a modeling agency; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes dedicated and motivated Warren Central student Cieare Horton.

SECTION 2. The teen years are never an easy time in a person's life, but Miss Horton seems to show extraordinary maturity and good judgement at school, in Church, and is using this developing stage of life to build a solid foundation for the future; and the Council wishes her the best of success.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 177, 2002. The proposal, sponsored by Councillor Talley, recognizes Deacon James Meyers. Councillor Talley read the proposal and presented Mr. Meyers with a copy of the document and a Council pin. Mr. Meyers thanked the Council for the recognition. Councillor Talley moved, seconded by Councillor Nytes, for adoption. Proposal No. 177, 2002 was adopted by a unanimous voice vote.

Proposal No. 177, 2002 was retitled SPECIAL RESOLUTION NO. 22, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 22, 2002

A SPECIAL RESOLUTION recognizing Deacon James Meyers.

WHEREAS, Deacon James Meyers is a student at Perry Meridian High School, a Deacon at the United House of Prayer for All People Church, and a young man who demonstrates maturity beyond his years; and

WHEREAS, at school he has maintained his grades, wrestled for three years placing first in the county and sectional matches, second in the regional in his weight division, and has been team captain; and

WHEREAS, at Church he is already a Deacon, attends Church several times a week, plays instruments, is Vice President of the Youth Department and of the Church band "Sounds of Revelation", sings in the choir, and trains younger men on becoming Church leaders; and

WHEREAS, Elder Meyers is busy with school, friends, and at Church, and does not have time to waste his life by becoming involved with the lures of troublesome activities on the streets; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes Deacon James Meyers as a fine example of a dedicated and motivated young man in his school, at Church, with his relatives, and to younger kids who look up to him as a role model.

SECTION 2. The Council wishes him well as he finishes up at Perry Meridian High School and starts a new chapter in his life as a graphics design student at Indiana Vocational Technical College.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 178, 2002. The proposal, sponsored by Councillor Bainbridge, recognizes the Speedway Sparkplugs for their first-ever state basketball championship title. Councillor Bainbridge read the proposal and presented representatives with copies of the document and Council pins. Head Coach Trent Lehman and Principal Tom Smith thanked the Council for the recognition. Councillor Bainbridge moved, seconded by Councillor McWhirter, for adoption. Proposal No. 178, 2002 was adopted by a unanimous voice vote.

Proposal No. 178, 2002 was retitled SPECIAL RESOLUTION NO. 23, 2002, and reads as follows:

April 8, 2002

CITY-COUNTY SPECIAL RESOLUTION NO. 23, 2002

A SPECIAL RESOLUTION recognizing the Speedway Sparkplugs for their first-ever state basketball championship title.

WHEREAS, Saturday, March 23rd was a pleasant weather day outside, but the fans of Speedway High School had other more pressing things on their minds that afternoon; and

WHEREAS, the Class 2A state basketball championship game that Saturday paired the third-ranked Speedway Sparkplugs with the eighth-rated Bluffton Tigers, who along with a few thousand of their friends came visiting Indy down I-69; and

WHEREAS, the stress and tension was high, and 14,113 basketball fans in the stands were watching every move, but the Sparkplugs did a textbook job of putting the Big Game jitters behind them and getting on with what they have been doing exceptionally well all winter—winning basketball games; and

WHEREAS, at the final electronic buzzer, the Speedway boys made school history by winning their first-ever state basketball championship, and National Honor Society member and DePauw-bound teammate Mark Gonzales was named the Class 2A Arthur L. Trester Mental Attitude Award; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes and congratulates the Speedway Sparkplugs for their first-ever basketball state championship title.

SECTION 2. The Council specifically commends the Sparkplug team: J.D. Clappitt, Mo Shipley, Mark Gonzales, Chris West, Brandon Shaw, Jimmy Rust, Aaron Pedigo, Lindsey Norris, Ryan Neat, Adam Gonzales, Matt Williams and Eric Mattingly; along with head coach Trent Lehman, the assistant coaches, cheerleaders, supportive school students and administration, an enthusiastic Speedway community, and loving families who worked and gladly made sacrifices for many years to help make this history making night possible.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 180, 2002. The proposal, sponsored by Councillors Nytes and Sanders, congratulates the Junior League of Indianapolis upon their 80th Anniversary. Councillor Nytes read the proposal and presented representatives with copies of the document and Council pins. Leanne Rice, president of the Junior League, thanked the Council for the recognition. Councillor Sanders commended the Junior League on their Silent Witness project for victims of domestic violence and said that she appreciates the League's advocacy on behalf of women. Councillor Schneider said that a member of the League recently visited and read to his daughter in the hospital, and he appreciates the work the League does to encourage children. Councillor Nytes moved, seconded by Councillor Sanders, for adoption. Proposal No. 180, 2002 was adopted by a unanimous voice vote.

Proposal No. 180, 2002 was retitled SPECIAL RESOLUTION NO. 25, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 25, 2002

A SPECIAL RESOLUTION congratulating the Junior League of Indianapolis upon their 80th Anniversary.

WHEREAS, the Junior League began 101 years ago in New York City when some young ladies organized to improve children's health and literacy in that city's settlement houses; and

WHEREAS, the concept spread, and by 1921, thirty Junior League chapters met and organized into what is today's version of the international Junior League with 296 chapters in five nations; and

WHEREAS, the next year, 50 women formed the Junior League of Indianapolis, which has now grown to 1,350 members, with their Schnull-Rauch House at 3050 North Meridian Street headquarters, and since 1928, has run a successful fundraiser Next to New merchandise store now located a block west of the Glendale Shopping Center; and

WHEREAS, developing the potential of women, leadership training and experience, volunteerism and community improvement are hallmarks of the Junior League, and during the past 80 years the Junior League of Indianapolis has sponsored 137 different community benefit projects, and has raised and donated over \$6.3 million to numerous programs; and

WHEREAS, along with running the Next to New Store, the Junior League organizes its annual Holiday Mart to help fund women's and children's programs, has a Day Nursery summer camp for 700 kids, helped create a play room in the Julian Center, provides recorded and live story telling at children's hospitals, offers non-medical help for women undergoing breast cancer treatment, and are involved with numerous other programs that benefit women and children; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes and congratulates the Junior League of Indianapolis for their eight decades of leadership training and service in this community.

SECTION 2. The Council wishes them well at their 80th Anniversary Diamond Gala at the Indiana Roof Ballroom on April 20th, and thanks them for their outstanding work in Indianapolis.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 181, 2002. The proposal, sponsored by Councillors Talley and Langsford, commends Flanner and Buchanan Funeral Centers, Washington Park Cemetery Association, Inc. and Catholic Cemeteries Association for their children's bicycle helmet safety initiative. Councillor Langsford read the proposal and presented copies of the document and Council pins to representatives. Burt Pettigrow, Washington Park Cemetery Association, thanked the Council for the recognition and stated that the firefighters of Indianapolis also deserve a lot of the credit for their support and participation in the project. Councillor Langsford moved, seconded by Councillor Talley, for adoption. Proposal No. 181, 2002 was adopted by a unanimous voice vote.

Proposal No. 181, 2002 was retitled SPECIAL RESOLUTION NO. 26, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 26, 2002

A SPECIAL RESOLUTION commending Flanner and Buchanan Funeral Centers, Washington Park Cemetery Association, Inc. and Catholic Cemeteries Association for their children's bicycle helmet safety initiative.

WHEREAS, it is estimated that some 140,000 children are treated each year in emergency rooms for head injuries resulting from bicycle accidents, and that between 135 and 155 tragic deaths could have been prevented if the children would have been wearing helmets; and

WHEREAS, as a way to give back to the community, Flanner and Buchanan Funeral Centers, Washington Park Cemetery, Inc. and Catholic Cemeteries Association will be giving away 5,000 Bell brand bicycle helmets to children on Sunday afternoon, April 14th at 13 Indianapolis locations and at other Central Indiana sites; and

April 8, 2002

WHEREAS, Spring is prime time when kids shake off the winter blues and take to the sidewalks and streets with their two wheeled fun machines, which makes this an opportune time to remind them of safety—beginning with head protection; and

WHEREAS, the bicycle helmets will be given away on a first come-first served basis until 5,000 are distributed between 1:00 and 4:00 p.m. at the cemetery sites, and a parent, grandparent or guardian must accompany the children; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes and commends Flanner and Buchanan Funeral Centers, Washington Park Cemetery Association, Inc. and Catholic Cemeteries Association for their generous and innovative child safety bicycle helmet program.

SECTION 2. The Council wishes this program the best of success and hopes that this action serves as a model for others to search for imaginative ways to be of help to their neighbors, customers and even strangers in the Indianapolis community.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 109, 2002. The proposal, sponsored by Councillor Nytes, approves the Mayor's appointment of Shawna Meyer Eikenberry as hearing officer. Although the proposal passed out of the Administration and Finance Committee with a 7-0 do pass recommendation, Councillor Nytes asked for consent to withdraw Proposal No. 109, 2002. She said that Ms. Eikenberry has accepted another position which would create a conflict. Consent was given to withdraw Proposal No. 109, 2002.

President SerVaas asked for consent to vote on Proposal No. 708, 2001 and Proposal Nos. 98, 111, and 114, 2002 together. He said that all are board appointments that passed out of their respective committees with unanimous do pass recommendations. Consent was given.

PROPOSAL NO. 708, 2001. The proposal, sponsored by Councillor Coonrod, reappoints Stuart Rhodes to the Cable Franchise Board. PROPOSAL NO. 98, 2002. The proposal, sponsored by Councillors Nytes and Boyd, appoints Linda N. Perdue to the Equal Opportunity Advisory Board. PROPOSAL NO. 111, 2002. The proposal, sponsored by Councillor Coonrod, appoints Sue Beesley to the City County Administrative Board. PROPOSAL NO. 114, 2002. The proposal, sponsored by Councillor Dowden, amends Council Resolution No. 21, 2000 to correct the term of Al Polin as a member of the Citizens Police Complaint Board. Councillor Dowden moved, seconded by Councillor Nytes, for adoption. Proposal No. 708, 2001 and Proposal Nos. 98, 111, and 114, 2002 were adopted by a unanimous voice vote.

Proposal No. 708, 2001 was retitled COUNCIL RESOLUTION NO. 55, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 55, 2002

A COUNCIL RESOLUTION reappointing Stuart Rhodes to the Cable Franchise Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Cable Franchise Board, the Council reappoints:

Stuart Rhodes

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2003. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 98, 2002 was retitled COUNCIL RESOLUTION NO. 56, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 56, 2002

A COUNCIL RESOLUTION appointing Linda N. Perdue to the Equal Opportunity Advisory Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Equal Opportunity Advisory Board, the Council appoints:

Linda N. Perdue

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 111, 2002 was retitled COUNCIL RESOLUTION NO. 57, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 57, 2002

A COUNCIL RESOLUTION appointing Sue Beesley to the City County Administrative Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the City County Administrative Board, the Council appoints:

Sue Beesley

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 114, 2002 was retitled COUNCIL RESOLUTION NO. 58, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 58, 2002

A COUNCIL RESOLUTION amending Council Resolution No. 21, 2000 to correct the term of Al Polin as a member of the Citizens Police Complaint Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Council Resolution No. 21, 2000, be and is hereby amended by changing the expiration date of the term of Al Polin as stated in Section 2.

SECTION 2. The appointment made by Council Resolution No. 21, 2000 is for a term ending December 31, 2003. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 151, 2002. Introduced by Councillors Smith and Nytes. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$6,335,789 in the 2002 Budget of the Department of Metropolitan Development (State Grants, Federal Grants, Consolidated County, Redevelopment District Capital Projects, and Redevelopment Funds) for administering state and federal grants which provide affordable and supportive housing opportunities, community development, brownfield assessment and remediation, and economic development initiatives, financed by state and federal grants and fund balances"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 152, 2002. Introduced by Councillors Dowden and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$85,899 in the 2002 Budget of the Department of Public Safety, Emergency Management Planning Division (Consolidated County Fund) to add one Deputy Administrator and one Senior Coordinator, along with some associated operating costs, financed by fund balances and partial reimbursement from the State Emergency Management Agency"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 153, 2002. Introduced by Councillors Dowden, Moriarty Adams, and Horseman. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$17,345 in the 2002 Budget of the Department of Public Safety, Animal Care and Control Division (Consolidated County Fund) for construction of a fence around the proposed exercise area at the animal shelter, financed by private donations"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 154, 2002. Introduced by Councillors Dowden, Moriarty Adams, Soards, Horseman, and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$135,000 in the 2002 Budget of the Department of Public Safety, Animal Care and Control Division (Consolidated County Fund) to pay salaries and benefits of five new staff positions who will perform various functions which are currently being done at the city's animal shelter by the Indianapolis Humane Society"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 155, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$23,521 in the 2002 Budget of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to continue the Arrestee Drug Monitoring Program (ADAM), funded by a federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 156, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$21,500 in the 2002 Budget of the Marion County Justice Agency (Law Enforcement Fund) to purchase computer equipment for the County Sheriff, financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 157, 2002. Introduced by Councillors Coughenour and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$60,000 in the 2002 Budget of the Department of Public Works, Policy and Planning Division (Sanitation Liquid Waste Fund) to purchase hardware associated with a network upgrade to the Belmont facility"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 158, 2002. Introduced by Councillors Coughenour and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$84,000 in the 2002 Budget of the Department of Public Works, Policy and Planning Division (Storm Water Management Fund) to provide public and media relations consulting services for the Stormwater Management program, and to facilitate effective and timely communication with the non-residential property owners about the drainage program and the upcoming stormwater utility bills, financed by fund balances"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 159, 2002. Introduced by Councillors Coughenour and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$8,320,000 in the 2002 Budget of the Department of Public Works, Engineering Division (Sanitation Liquid Waste Fund) for Real Time Control early action combined sewer overflow (CSO) projects, financed by fund balances"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 160, 2002. Introduced by Councillors Coughenour and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$232,891 in the 2002 Budget of the Department of Public Works, Engineering Division (Federal Grants Fund) to further pollution control efforts on the West Fork of the White River, Fall Creek, and Pleasant Run, financed by federal funds"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 161, 2002. Introduced by Councillors Coughenour and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$2,500,000 in the 2002 Budget of the Department of Public Works, Engineering Division (Solid Waste Disposal Fund) to restore the stream bank along the White River near the former Tibbs Avenue and Banta Road landfill, financed by fund balances"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 162, 2002. Introduced by Councillor Coonrod. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal at 56th Street and Lee Road (District 5)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 163, 2002. Introduced by Councillor Coonrod. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal at 59th Street and Lee Road (District 5)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 164, 2002. Introduced by Councillor Tilford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls at Whitty Lane at 14th Street and at 16th Street (District 12)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 165, 2002. Introduced by Councillor Douglas. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls at Coburn Avenue and Coil Street (District 10)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 166, 2002. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes multi-way stops at various

intersections located in the Royal Pines Estates (District 3)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 167, 2002. Introduced by Councillor Massie. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Surrey Drive from Coach Road to Shelby Street (District 20)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 168, 2002. Introduced by Councillor Knox. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Everett Street from Harding Street to White River Parkway W. Drive, and authorizes a change in one-way restrictions on Everett Street (District 17)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 169, 2002. Introduced by Councillors Langsford, Moriarty Adams, and Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on various streets intersecting with Michigan Street (Districts 13, 15, 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 170, 2002. Introduced by Councillors Langsford, Moriarty Adams, Short, and Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on various streets intersecting with Washington Street (Districts 13, 15, 21, 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 171, 2002. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in the one-way restrictions on 14th Street between Pennsylvania Street and Delaware Street (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 172, 2002. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a weight limit restriction on Marlin Road between Senour Road and Carroll Road (District 23)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 173, 2002. Introduced by Councillor Bradford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Hillside Avenue and 57th Street (District 7)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 174, 2002. Introduced by Councillor Coonrod. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints William R. Wayman to the Indianapolis-Marion County Building Authority Board of Trustees"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 175, 2002. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints James M. Atkinson to the Board of Parks and Recreation"; and the President referred it to the Parks and Recreation Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 182, 2002, and PROPOSAL NOS. 183-185, 2002. Introduced by Councillor Smith. Proposal No. 182, 2002 and Proposal Nos. 183-185, 2002 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on April 3, 2002. The President called for any motions for public hearings on any of those zoning maps changes.

Councillor Conley made the following motion:

Mr. President:

I move that Proposal No. 183, 2002 (Rezoning Case 2001-ZON-162/2201-DP-020) be scheduled for a hearing before this Council at its next regular meeting on April 29, 2002, at 7:00 p.m. and that the Clerk read the announcement of such hearing and enter same in the minutes of this meeting.

Councillor Sanders seconded the motion.

President SerVaas passed the gavel to Vice President Borst. Councillor SerVaas said that he opposes the motion for a public hearing, as this matter has already had sufficient public hearing before the Metropolitan Development Commission (MDC). He said that the MDC unanimously recommended passage of the proposal, and most of those in opposition of this zoning are individuals who do not live close to the property. He said that all of the surrounding neighborhood groups are in favor of the project and, as a neighbor, he is in favor of it as well. He said that the opponents of the proposal are those who want the City to buy it and develop it as Parks land. However, the City had the opportunity to purchase the property, and the Parks Department turned it down.

Councillor Talley said that he believes there was improper notification, and the Indianapolis Fire Department was not notified of this zoning hearing. Councillor SerVaas said that he is not aware of this being the case.

Councillor Conley said that he has received a petition with approximately 4,500 signatures, and as an At-Large Councillor, he has to take this into consideration. He said that he does not know where these individuals live in proximity to the project, but he cannot ignore such a wide response.

Councillor Black said that Maureen Dobie, citizen opponent of the proposal, is here to speak this evening. Vice President Borst stated that this item is not under public hearing and no testimony from the public can be allowed here this evening. He said that if Councillor Conley's motion to schedule the matter for public hearing passes, testimony will be allowed at a future meeting.

The motion to schedule Proposal No. 183, 2002 for a public hearing failed by the following roll call vote; viz:

9 YEAS: Black, Brents, Conley, Douglas, Gibson, Horseman, Moriarty Adams, Sanders, Talley

19 NAYS: Bainbridge, Borst, Boyd, Bradford, Cockrum, Coonrod, Coughenour, Dowden, Knox, Langsford, Massie, McWhirter, Nytes, Schneider, SerVaas, Short, Smith, Soards, Tilford

1 ABSENT: Gray

Vice President Borst returned the gavel to President SerVaas.

There being no further motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 34-37, 2002, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 34, 2002.

2001-ZON-161 (2001-DP-019)

1500 WEST BANTA ROAD (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 25

C.P. MORGAN COMMUNITIES, L.P., by Brian J. Tuohy requests a rezoning of 44 acres, being in the D-A (FF)(W-1)(W-5) District, to the D-P (FF)(W-1)(W-5) classification to provide for 176 single-family residential units, or 4.0 units per acre.

REZONING ORDINANCE NO. 35, 2002.

2001-ZON-162 (2001-DP-020)

4615 NORTH MICHIGAN ROAD (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 2

CD REALITY, LLC., by Philip A. Nicely, requests a rezoning of 177.74 acres, being in the D-S (FF) and SU-2 (FF)(FW) Districts, to the D-P (FF)(FW) classification to provide for 15 single-family residential lots, or 0.08 units per acre.

REZONING ORDINANCE NO. 36, 2002.

2002-ZON-010

9470 EAST WASHINGTON STREET (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13.

4 WHEEL PARTS PERFORMANCE CENTERS, by Andrielle M. Metzel and Walter E. Wolf Jr., requests a rezoning of 0.69 acre, being in the C-3 District, to the C-4 classification to provide for automobile repair and the retail sale of automotive parts.

REZONING ORDINANCE NO. 37, 2002.

2002-ZON-011

1502 SOUTH KEYSTONE AVENUE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 21

MAHONEY ENVIRONMENTAL, INC. requests a rezoning of 3.32 acres, being in the I-3-U District, to the I-4-U classification to provide for a cooking oil recycling/melt plant facility.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 112, 2002. The proposal, sponsored by Councillor Bradford, approves an increase of \$19,600 in the 2002 Budgets of the County Auditor and the Cooperative Extension Service (County Grants Fund) to fund Character Education at after-school sites within the Indianapolis Public School system, funded by a grant from the Indianapolis Board of School Commissioners. Councillor Bradford said that the Community Affairs Committee has not yet had an opportunity to hear the proposal. He moved, seconded by Councillor Bainbridge, to postpone Proposal No. 112, 2002 until April 29, 2002. Proposal No. 112, 2002 was postponed by a unanimous voice vote.

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 116 and 117, 2002 on March 20, 2002. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 116, 2002. The proposal, sponsored by Councillor Dowden, appropriates the Department of Corrections' increase of \$22,792 in the 2002 Budget of Community Corrections (Home Detention Fund) for FY 2001-02. PROPOSAL NO. 117, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$650,000 in the 2002 Budget of Community Corrections (Home Detention Fund) to fund the housing of felons in the Corrections Center

Component, funded by fund balances. By 8-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President SerVaas called for public testimony at 8:15 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal Nos. 116 and 117, 2002 were adopted on the following roll call vote; viz:

24 YEAS: Bainbridge, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Douglas, Dowden, Gibson, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty, Adams, Nytes, Schneider, SerVaas, Short, Smith, Soards, Tilford

0 NAYS:

4 NOT VOTING: Black, Conley, Sanders, Talley

1 ABSENT: Gray

Proposal No. 116, 2002 was retitled FISCAL ORDINANCE NO. 23, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 23, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Twenty-two Thousand Seven Hundred Ninety-two Dollars (\$22,792) in the Home Detention Fund for purposes of Community Corrections and reducing the unappropriated and unencumbered balance in the Home Detention Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(g) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of Community Corrections to budget the Department of Corrections' increase for FY 2001-02.

SECTION 2. The sum of Twenty-two Thousand Seven Hundred Ninety-two Dollars (\$22,792) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COMMUNITY CORRECTIONS</u>	<u>HOME DETENTION FUND</u>
3. Other Services and Charges	<u>22,792</u>
TOTAL INCREASE	22,792

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>HOME DETENTION FUND</u>
Unappropriated and Unencumbered	
Home Detention Fund	<u>22,792</u>
TOTAL REDUCTION	22,792

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 117, 2002 was retitled FISCAL ORDINANCE NO. 24, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 24, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Six Hundred Fifty Thousand Dollars (\$650,000) in the Home Detention User Fee Fund for purposes of Community Corrections and reducing the unappropriated and unencumbered balance in the Home Detention User Fee Fund.

April 8, 2002

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(g) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of Community Corrections to fund the housing felons in the Corrections Center Component.

SECTION 2. The sum of Six Hundred Fifty Thousand Dollars (\$650,000) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COMMUNITY CORRECTIONS</u>	<u>HOME DETENTION FUND</u>
3. Other Services and Charges	<u>650,000</u>
TOTAL INCREASE	650,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>HOME DETENTION FUND</u>
Unappropriated and Unencumbered	
Home Detention Fund	<u>650,000</u>
TOTAL REDUCTION	650,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Coughenour reported that the Public Works Committee heard Proposal Nos. 121-123, 2002 on March 28, 2002.

PROPOSAL NO. 121, 2002. The proposal, sponsored by Councillors Coughenour and Moriarty Adams, approves a re-appropriation of \$330,000 in the 2002 Budget of the Department of Public Works, Operations Division (Solid Waste Disposal Fund) to pay prior year expenditures in order to maintain current year expenditures from the current year budget, financed by fund balances. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:18 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 121, 2002 was adopted on the following roll call vote; viz:

23 YEAS: Bainbridge, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coughenour, Douglas, Dowden, Gibson, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, SerVaas, Short, Smith, Talley, Tilford
3 NAYS: Coonrod, Schneider, Soards
2 NOT VOTING: Black, Sanders
1 ABSENT: Gray

Proposal No. 121, 2002 was retitled FISCAL ORDINANCE NO. 25, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 25, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) re-appropriating Three Hundred Thirty Thousand Dollars (\$330,000) in the Solid Waste Disposal Fund for purposes of the Department of Public Works, Operations Division, and reducing the unappropriated and unencumbered balance in the Solid Waste Disposal Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(j) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Operations Division, to pay prior year expenditures in order to maintain current year expenditures from the current year budget.

SECTION 2. The sum of Three Hundred Thirty Thousand Dollars (\$330,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC WORKS

OPERATIONS DIVISION

3. Other Services and Charges

TOTAL INCREASE

SOLID WASTE DISPOSAL FUND

330,000

330,000

SECTION 4. The said additional appropriation is funded by the following reductions:

SOLID WASTE DISPOSAL FUND

Unappropriated and Unencumbered

Solid Waste Disposal Fund

TOTAL REDUCTION

330,000

330,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 122, 2002. The proposal, sponsored by Councillors Coughenour and Moriarty Adams, approves an increase of \$205,000 in the 2002 Budget of the Department of Public Works, Operations Division (Sanitation Liquid Waste Fund) to pay prior year expenditures for sewer billing services in order to maintain current year expenditures from the current year budget, financed by fund balances. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:20 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 122, 2002 was adopted on the following roll call vote; viz:

19 YEAS: Bainbridge, Borst, Boyd, Brents, Cockrum, Conley, Coughenour, Douglas, Gibson, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, SerVaas, Short, Tilford

4 NAYS: Coonrod, Dowden, Schneider, Soards

5 NOT VOTING: Black, Bradford, Sanders, Smith, Talley

1 ABSENT: Gray

Proposal No. 122, 2002 was retitled FISCAL ORDINANCE NO. 26, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 26, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating an additional Two Hundred and Five Thousand Dollars (\$205,000) in the Sanitation Liquid Waste Fund for purposes of the Department of Public Works, Operations Division, and reducing the unappropriated and unencumbered balance in the Sanitation Liquid Waste Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(j) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works,

April 8, 2002

Operations Division, to pay prior year expenditures for sewer billing services in order to maintain current year expenditures from the current year budget.

SECTION 2. The sum of Two Hundred and Five Thousand Dollars (\$205,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u>	
<u>OPERATIONS DIVISION</u>	<u>SANITATION LIQUID WASTE FUND</u>
3. Other Services and Charges	<u>205,000</u>
TOTAL INCREASE	205,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>SANITATION LIQUID WASTE FUND</u>
Unappropriated and Unencumbered	
Sanitation Liquid Waste Fund	<u>205,000</u>
TOTAL DECREASE	205,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 123, 2002. The proposal, sponsored by Councillors Coughenour and Moriarty Adams, approves an increase of \$2,665,000 in the 2002 Budget of the Department of Public Works, Operations Division (Sanitation Liquid Waste Fund) to pay prior year expenditures for wastewater collection services in order to maintain current year expenditures from the current year budget, financed by fund balances. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:22 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 123, 2002 was adopted on the following roll call vote; viz:

20 YEAS: Bainbridge, Borst, Boyd, Brents, Cockrum, Conley, Coughenour, Douglas, Gibson, Horseman, Knox, Langsford, McWhirter, Moriarty Adams, Nytes, SerVaas, Short, Smith, Talley, Tilford
4 NAYS: Coonrod, Dowden, Schneider, Soards
4 NOT VOTING: Black, Bradford, Massie, Sanders
1 ABSENT: Gray

Proposal No. 123, 2002 was retitled FISCAL ORDINANCE NO. 27, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 27, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating an additional Two Million and Six Hundred and Sixty-five Thousand Dollars (\$2,665,000) in the Sanitation Liquid Waste Fund for purposes of the Department of Public Works, Operations Division, and decreasing the unappropriated and unencumbered balance in the Sanitation Liquid Waste Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(j) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Operations Division, to pay prior year expenditures for wastewater collection services in order to maintain current year expenditures from the current year budget.

SECTION 2. The sum of Two Million and Six Hundred and Sixty-five Thousand Dollars (\$2,665,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC WORKS

OPERATIONS DIVISION

3. Other Services and Charges

TOTAL INCREASE

SANITATION LIQUID WASTE FUND

2,665,000

2,665,000

SECTION 4. The said additional appropriation is funded by the following reductions:

SANITATION LIQUID WASTE FUND

Unappropriated and Unencumbered

Sanitation Liquid Waste Fund

TOTAL DECREASE

2,665,000

2,665,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 82, 2002. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 82, 2002 on March 26, 2002. The proposal, sponsored by Councillor Coonrod, amends dates for appointment and report of County Salary Recommendation Panel. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor McWhirter moved, seconded by Councillor Coonrod, for adoption. Proposal No. 82, 2002 was adopted on the following roll call vote; viz:

25 YEAS: Bainbridge, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty, Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Tilford

0 NAYS:

3 NOT VOTING: Black, Bradford, Talley

1 ABSENT: Gray

Proposal No. 82, 2002 was retitled GENERAL ORDINANCE NO. 30, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 30, 2002

A GENERAL ORDINANCE amending dates for appointment and report of County Salary Recommendation Panel.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Article I of Chapter 282 of the "Revised Code of the Consolidated City and County" be, and is hereby, amended by deleting the stricken-through text and inserting the underlined text, to read as follows:

ARTICLE I. COUNCIL'S COUNTY SALARY RECOMMENDATION PANEL

Sec. 282-111. Council's County salary recommendations panel created.

There is hereby created the council's county salary recommendations panel.

Sec. 282-112. Members, appointment and qualifications.

(a) The panel shall consist of three (3) members appointed by the city-county council:

- (1) Two (2) members of the panel shall be nominated by the leader of the members of the city-county council who are members of the political party having the largest representation on the council.
- (2) One (1) member of the panel shall be nominated by the leader of the members of the city-county council who are members of the political party having the second-largest representation on the council.

(b) The panel nominations shall be certified to the clerk by the leaders of the respective caucuses as soon as practicable after ~~April~~ February 1 of each year. The panel nominees shall then be confirmed as a group by a majority vote of the council; otherwise, if they are not confirmed, there shall be no panel for that calendar year. Members of the panel shall serve until their duties under Article V of Chapter 291 of this Code are performed, or until ~~July~~ June 20 of the year of their appointment, whichever is sooner.

(c) Qualifications required for membership on the panel are as follows:

- (1) Each member must be a resident freeholder of Marion County;
- (2) Each member must be an executive having substantial responsibility for determining compensation levels in a private, for-profit, organization or have substantial experience in the field of human resources, or have substantial experience as an executive responsible for determining or recommending compensation levels in governmental organizations;
- (3) No member may be an employee of Marion County, the City of Indianapolis, the health and hospital corporation, the Indianapolis-Marion County building authority, the Indianapolis-Marion County airport authority, or any other entity whose governing authority is substantially appointed by officials of Marion County and the City of Indianapolis.

(d) Vacancies which occur on the panel shall be filled by nomination by the same council members who nominated the departed member subject to confirmation by a majority vote of the council.

Sec. 282-113. Officers and quorum.

(a) A quorum of the panel shall be two (2).

(b) The first meeting of the panel shall be called by the clerk of the council or the clerk's designee, who shall preside until the panel shall have chosen a chairperson from among its members. The chairperson shall preside when present. The panel shall then choose a vice-chairperson to preside in the absence of the chairperson. The clerk or the clerk's designee shall act as secretary of the panel. The panel shall govern its own affairs within the limits imposed by the this Code.

Sec. 282-114. Staff.

The panel and its individual members shall be entitled to reimbursement for their necessary and direct expenses, subject to the approval of the president of the council. The panel shall also be entitled to office facilities, clerical support, legal counsel, and the assistance of consultants, subject to the approval of the president of the council and payable from appropriations to the council office.

Sec. 282-115. Duties of salary recommendation panel.

(a) The panel is directed to recommend the level of salary of each employing official in county government whose compensation is derived primarily from a salary paid from the county treasury, and the state treasury when the law provides for salary payments by the state to a local official. Recommendations must be consistent with any statutory limitations on the compensation which may be paid by county government. Salaries of officers whose compensation may be determined by contract authorized by section 281-611 of the Code shall be excluded from panel review.

(b) In recommending each salary, the panel shall consider any other compensation of material value that is customarily provided to the employing official, including fringe benefits. The panel shall also consider the length of the work day and work week and the number of days worked per year that is customary for the employing official. In the context of these considerations, the panel shall employ the following four (4) criteria in recommending salaries and give them equal weight:

- (1) Parity with city department and division heads;
- (2) Comparability with private sector;
- (3) Salary range in the county's normal classification system;
- (4) Comparability with similar government organizations.

In instances where the employing official is appointed and serves at the pleasure of a board or other official, the panel shall recommend a range of salaries, with the object of allowing the appointing authority to set the actual salary.

(c) The panel shall recommend salaries with the object of the recommendations being implemented on the first day of the coming calendar year, except in the case of employing officials who regularly serve terms greater than one (1) year. In these instances, the recommendations of the panel shall be made in the year prior to the year an individual is regularly selected to serve. In other years, the panel shall recommend only the amount of a cost of living adjustment.

(d) The panel may take action up to July June 20 of the year of their appointment, at which time its recommendations shall be recorded by the clerk and certified by him to the auditor. In the event the panel has taken no action to recommend a salary for an employing official, the absence of a recommendation shall be treated as a recommendation that the salary or range of salaries for that employing official be left unchanged.

Sec. 282-116. Duties of auditor.

The auditor, in presenting the next proposed budget ordinance to the council as required by law, shall incorporate the recommendations of the panel into the text. The council shall then consider the panel's recommendations as an integral part of the proposed budget ordinance.

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 86, 2002. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 86, 2002 on March 26, 2002. The proposal, sponsored by Councillors Coughenour and Brents, determines the need to lease office space at 1375 West 16th Street for the Department of Public Works. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor McWhirter moved, seconded by Councillor Coughenour, for adoption. Proposal No. 86, 2002 was adopted on the following roll call vote; viz:

25 YEAS: Bainbridge, Borst, Boyd, Brents, Cockrum, Coonrod, Coughenour, Douglas, Dowden, Gibson, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford

0 NAYS:

3 NOT VOTING: Black, Bradford, Conley

1 ABSENT: Gray

Proposal No. 86, 2002 was retitled **SPECIAL RESOLUTION NO. 24, 2002**, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 24, 2002

A PROPOSAL FOR A SPECIAL RESOLUTION determining the need to lease approximately 20,900 square feet of office space at 1375 West 16th Street, Indianapolis, Indiana, for the Department of Public Works.

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. The City-County Council, pursuant to IC 36-1-10-7, has investigated the conditions requiring the subject lease and hereby determines the lease of office space for the use of the Department of Public Works is necessary.

SECTION 2. The property to be leased is located at 1375 West 16th Street, Indianapolis, Indiana, and is owned by Pine Street Properties, L.L.C., which is comprised of Randy and Janet Belden (each having a 50% interest).

SECTION 3. The resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 118, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 118, 2002 on March 20, 2002. The proposal, sponsored by Councillor Dowden, approves a transfer of \$25,000 in the 2002 Budget of the Marion County Justice Agency (Conditional Release Fund) to provide funds for the redesign project of the Conditional Release Office. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Talley, for adoption. Proposal No. 118, 2002 was adopted on the following roll call vote; viz:

26 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Knox, Langsford, Massie, McWhirter, Moriarty, Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford

0 NAYS:

2 NOT VOTING: Horseman, SerVaas

1 ABSENT: Gray

Proposal No. 118, 2002 was retitled FISCAL ORDINANCE NO. 28, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 28, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No.97, 2001) transferring and appropriating an additional Twenty-five Thousand Dollars (\$25,000) in the Conditional Release Fund for purposes of the Marion County Justice Agency and reducing certain other appropriations for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(i) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency to provide funds for the redesign project of the Conditional Release Office.

SECTION 2. The sum of Twenty-five Thousand Dollars (\$25,000) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>CONDITIONAL RELEASE FUND</u>
3. Other Services and Charges	<u>25,000</u>
TOTAL INCREASE	25,000

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>CONDITIONAL RELEASE FUND</u>
1. Personnel Services	<u>25,000</u>
TOTAL DECREASE	25,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Coughenour reported that the Public Works Committee heard Proposal Nos. 124-136, 2002 on March 28, 2002. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 124, 2002. The proposal, sponsored by Councillors Brents and Nytes, authorizes the Department of Public Works to implement a parking meter blackout on Monument Circle on May 24, 2002. PROPOSAL NO. 125, 2002. The proposal, sponsored by Councillor Dowden, authorizes a traffic signal at 86th Street and Castleton Square Mall West Drive (Districts 4, 5). PROPOSAL NO. 126, 2002. The proposal, sponsored by Councillors Smith and Coughenour, authorizes a traffic signal at Emerson Avenue, Commerce Square, and McFarland Boulevard (Districts 23, 24). PROPOSAL NO. 127, 2002. The proposal, sponsored by Councillor Smith, authorizes intersection controls at Nathan Lane and Nathan Place (District 23). PROPOSAL NO. 128, 2002. The proposal, sponsored by Councillor McWhirter, authorizes intersection controls at Country Club Boulevard and Kayla Drive (District 18). PROPOSAL NO. 129, 2002. The proposal, sponsored by Councillor McWhirter, authorizes intersection controls for the Traditions of Westmont Park Subdivision (District 18). PROPOSAL NO. 130, 2002. The proposal, sponsored by Councillor Brents, authorizes a multi-way stop at 26th Street and Franklin Place (District 16). PROPOSAL NO. 131, 2002. The proposal, sponsored by Councillor Douglas, authorizes intersection controls at 23rd Street and DeQuincy Street (District 10). PROPOSAL NO. 132, 2002. The proposal, sponsored by Councillor Bradford, authorizes a multi-way stop at Central Avenue and 58th Street (District 7). PROPOSAL NO. 133, 2002. The proposal, sponsored by Councillor Massie, authorizes parking restrictions on Ransdell Street from Pleasant Run Parkway N. Drive to Raymond Street (District 20). PROPOSAL NO. 134, 2002. The proposal, sponsored by Councillor Soards, authorizes parking restrictions on Northwest Boulevard from 84th Street to 86th Street (District 1). PROPOSAL NO. 135, 2002. The proposal, sponsored by Councillor Langsford, authorizes a one-way southbound on Downey Avenue from Julian Avenue to Washington Street; and authorizes parking restrictions on Downey Avenue, on the west side, from a point 30 feet south of Julian Avenue to Washington Street (District 13). PROPOSAL NO. 136, 2002. The proposal, sponsored by Councillors Massie and Coughenour, authorizes the removal of parking restrictions for Sear Terrace between Palo Verde Drive and Paso Del Norte Drive (Districts 20, 24). By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

Councillor Boyd asked what Proposal No. 125, 2002 is designed to correct. Councillor Coughenour said that the proposal satisfied all warrants and the Department of Public Works (DPW) will only be responsible for maintenance costs. Barbara Lawrence, director of DPW, said that this signal is behind Castleton Square Mall and is not on 82nd Street. She said that the request was received and an independent engineering study was conducted and the need was warranted to address some traffic safety issues.

Councillor Black said that it was represented that he was opposed to Proposal No. 133, 2002, but for the record, he is not opposed to the proposal.

Councillor Coughenour moved, seconded by Councillor Brents, for adoption. Proposal Nos. 124-136, 2002 were adopted on the following roll call vote; viz:

28 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford

0 NAYS:

1 ABSENT: Gray

Proposal No. 124, 2002 was retitled GENERAL RESOLUTION NO. 2, 2002, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 2, 2002

A PROPOSAL FOR A GENERAL RESOLUTION to request a parking meter blackout on May 24, 2002, to encourage veterans and citizens to observe the 500 Festival Memorial Service on Monument Circle.

WHEREAS, Memorial Day began as Decoration Day where those who perished during the Civil War were remembered and their graves decorated; and

WHEREAS, later, veterans who gave the supreme sacrifice to preserve freedom in all of America's wars were honored on Memorial Day, a patriotic day which in 1971 became a national holiday; and

WHEREAS, Memorial Day weekend is a special time in Indianapolis with thousands of visitors and exciting events; and

WHEREAS, remembering the bedrock reason for the holiday, the 500 Festival Memorial Service will be held on Monument Circle in downtown Indianapolis on Friday, May 24, 2002 where appropriate homage will be accorded in a public memorial ceremony to these American patriots who gave their lives for our liberties; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council, recognizing the importance of Memorial Day weekend in Indianapolis for local residents, visitors and for its international attention, requests that the Department of Public Works issue a one-day blackout of downtown Indianapolis' parking meters on May 24, 2002, as a token of the City's thanks and gratitude for those patriots who fought and died to keep America free.

SECTION 2. The Department of Public Works shall issue and implement a one-day blackout of downtown Indianapolis' parking meters on May 24, 2002 for the area bounded by St. Clair Street, South Street, East Street, and West Street.

SECTION 3. This resolution shall be in effect upon adoption and compliance with Ind. Code § 36-3-4-14.

Proposal No. 125, 2002 was retitled GENERAL ORDINANCE NO. 32, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 32, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
5	86 th St Castleton Square Mall West Drive	None	Signal

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 126, 2002 was retitled GENERAL ORDINANCE NO. 33, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 33, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
47	Commerce Sq Emerson Av McFarland Blvd	Emerson Av	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
47	Commerce Sq Emerson Av McFarland Blvd	None	Signal

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 127, 2002 was retitled GENERAL ORDINANCE NO. 34, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 34, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
47	Nathan Ln Nathan Pl	Nathan Ln	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 128, 2002 was retitled GENERAL ORDINANCE NO. 35, 2002, and reads as follows:

April 8, 2002

CITY-COUNTY GENERAL ORDINANCE NO. 35, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
22	Country Club Blvd Kayla Dr	Country Club Blvd	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 129, 2002 was retitled GENERAL ORDINANCE NO. 36, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 36, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
22	Cahill Ln Farley Dr	Farley Dr	Stop
22	Farley Cir Farley Dr	Farley Dr	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 130, 2002 was retitled GENERAL ORDINANCE NO. 37, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 37, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
17	26 th St Franklin Pl	26 th St	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
17	26 th St Franklin Pl	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 131, 2002 was retitled GENERAL ORDINANCE NO. 38, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 38, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
26	23 rd St DeQuincy St	DeQuincy St	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 132, 2002 was retitled GENERAL ORDINANCE NO. 39, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 39, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
11	Central Av 58 th St	Central Av	Stop

April 8, 2002

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
11	Central Av 58 th St	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 133, 2002 was retitled GENERAL ORDINANCE NO. 40, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 40, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be and the same is hereby amended by the addition of the following, to wit:

Ransdell Street, on the west side, from Pleasant Run Parkway N. Drive to Raymond Street

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 134, 2002 was retitled GENERAL ORDINANCE NO. 41, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 41, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be and the same is hereby amended by the addition of the following, to wit:

Northwest Boulevard, on both sides, from 84th Street to 86th Street

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 135, 2002 was retitled GENERAL ORDINANCE NO. 42, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 42, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-342, One-way streets and alleys designated; and Sec. 621-121, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-342, One-way streets and alleys designated, be and the same is hereby amended by the addition of the following, to wit:

SOUTHBOUND

Downey Avenue, from Julian Avenue to Washington Street

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

Downey Avenue, on the west side, from a point 30 feet south of Julian Avenue to Washington Street

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 136, 2002 was retitled GENERAL ORDINANCE NO. 31, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 31, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the deletion of the following, to wit:

Siear Terrace, on both sides, from Madison Avenue to Stop 11 Road

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

Siear Terrace, on the west side, from Madison Avenue to Stop 11 Road

Siear Terrace, on the east side, from Madison Avenue to Palo Verde Drive

Siear Terrace, on the east side, from Paso Del Norte Drive to Stop 11 Road

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

**SPECIAL SERVICE DISTRICT COUNCILS
SPECIAL ORDERS - PUBLIC HEARING
FIRE SPECIAL SERVICE DISTRICT**

President SerVaas convened the Fire Special Service District Council.

PROPOSAL NO. 115, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 115, 2002 on March 20, 2002. The proposal, sponsored by Councillors Dowden and Moriarty Adams, approves a re-appropriation of \$42,575 in the 2002 Budget of the Department of Public Safety, Fire Division (Federal Grants Fund) to manage the FEMA Urban Search and Rescue Task Force - 1, funded by a federal grant. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:36 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 115, 2002 was adopted on the following roll call vote; viz:

28 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford
0 NAYS:
1 ABSENT: Gray

Proposal No. 115, 2002 was retitled FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 3, 2002, and reads as follows:

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 3, 2002

A FISCAL ORDINANCE amending the Fire Special Service District Budget for 2002 (City-County Fire Special Service District Ordinance No. 4, 2001) appropriating Forty-two Thousand Five Hundred and Seventy-five Dollars (\$42,575) in the Fire General Fund for purposes of the Department of Public Safety, Fire Division, and reducing the unappropriated and unencumbered balance in the Fire General Fund.

BE IT ORDAINED BY THE FIRE SPECIAL SERVICE DISTRICT COUNCIL
OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 of the Fire Special Service District Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Fire Division, to manage the FEMA Urban Search and Rescue Task Force - 1.

SECTION 2. The sum of Forty-two Thousand Five Hundred and Seventy-five Dollars (\$42,575) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC SAFETY

FIRE DIVISION

- 2. Materials and Supplies
- 3. Other Services and Charges
- 4. Capital Outlay
- TOTAL INCREASE

FEDERAL GRANTS FUND

27,604
12,802
2,169
42,575

Section 4. The said additional appropriation is funded by the following reductions:

FEDERAL GRANTS FUND

- Unappropriated and Unencumbered
- Federal Grants Fund
- TOTAL REDUCTION

42,575
42,575

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SOLID WASTE SPECIAL SERVICE DISTRICT

President SerVaas convened the Solid Waste Collection Special Service District Council.

PROPOSAL NO. 120, 2002. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 120, 2002 on March 28, 2002. The proposal, sponsored by Councillors Coughenour and Moriarty Adams, approves an appropriation of \$258,000 in the 2002 Budget of the Department of Public Works, Operations Division (Solid Waste Collection Service District Fund) to pay for 2001 expenses as well as anticipated 2002 expenses for temporary labor services, financed by fund balances. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Soards asked if this year's budget for the Department of Public Works (DPW) is also short three months and is only budgeted for nine months. Councillor Coughenour said that this has been the process in the past, where outstanding bills were rolled over to the next year's budget, but that budget was not increased to cover these additional expenditures. She said that this appropriation and the other three presented this evening will address that problem and insure that bills are paid out of the correct year's budget, so that there is not a shortfall.

Councillor Coonrod asked if it is legal to pay 2001 expenses with 2002 appropriations. Robert Elrod, General Counsel, said that if they have not been paid and are expenses incurred, it seems the only way they can be paid. He said that the Council can appropriate money in 2002 to pay bills incurred in 2001, but there might be questions about whether these bills were legitimately incurred if incurred without appropriations. Councillor Coonrod said that if these costs were not incurred without an appropriation, there would be no need for these proposals this evening. He said that is illegal to incur a cost without an appropriation.

Councillor Coughenour said that citizens' trash was picked up, and these vendors now need to be paid.

Councillor Smith said that he believed the bills were paid in 2001, and this is simply a reimbursement of funds into the General Fund from where the monies were taken to pay these bills.

Michael Williams, Financial Services, DPW, said that over the course of several years, DPW got into the practice of rolling over late November and December bills into the following year. These rollovers caused the following year to then have a shortfall in their budget. He said that these proposals should insure a one-time catch-up so that this practice no longer continues. Ms. Lawrence said that the 2003 budget will reflect the true 12 months of spending without rollovers.

Councillor Coonrod said that incurring such costs with appropriation is a violation of State law, and therefore past DPW directors have been in violation of the law. Ms. Lawrence said that she does not believe that to be the case. She said that the budgets were based on 12 months, but there were some higher costs and transfers are being made from fund balances to cover these shortfalls.

Councillor Coughenour said that this is not new money, but is simply a transfer from fund balances. Councillor Coonrod said that it is new money, because the department has incurred more than appropriated expenditures over a 12-month period, and has covered it by illegally holding invoices to pay in the following year.

Councillor Boyd said that this seems to be an acknowledgement that the procedure has not been done correctly in the past, and this is a one-time corrective effort to make the procedure valid. Ms. Lawrence stated that this is correct.

Councillor Horseman said that these questions should have been asked in 1998 and 1999, and this situation started under a totally different administration.

President SerVaas said that he has every faith in Ms. Lawrence's abilities as the new director, and if she testifies that these proposals will rectify the process, he believes they will be remedied.

President SerVaas called for public testimony at 8:46 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 120, 2002 was adopted on the following roll call vote; viz:

22 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coughenour, Douglas, Gibson, Horseman, Knox, Langsford, McWhirter, Moriarty Adams, Nytes, Sanders, SerVaas, Short, Smith, Talley, Tilford
6 NAYS: Bradford, Coonrod, Dowden, Massie, Schneider, Soards
1 ABSENT: Gray

Proposal No. 120, 2002 was retitled SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 2002, and reads as follows:

SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 2002

A SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the Solid Waste Collection Special Service District Annual Budget for 2002 (Solid Waste Collection Special Service District Fiscal Ordinance No. 3, 2001) appropriating an additional Two Hundred and Fifty-eight Thousand Dollars (\$258,000) in the Solid Waste Collection Service District Fund for purposes of the Department of Public Works, Operations Division, and reducing the unappropriated and unencumbered balance in the Solid Waste Collection Service District Fund.

BE IT ORDAINED BY THE SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 of the Solid Waste Collection Special Service District Annual Budget for 2002 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Operations Division, to pay for 2001 expenses as well as anticipated 2002 expenses for temporary labor services.

SECTION 2. The sum of Two Hundred and Fifty-eight Thousand Dollars (\$258,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following appropriation is hereby approved:

DEPARTMENT OF PUBLIC WORKS
OPERATIONS DIVISION

3. Other Services and Charges
TOTAL INCREASE

SOLID WASTE COLLECTION
SERVICE DISTRICT FUND

258,000
258,000

SECTION 4. The said additional appropriation is funded by the following decreases:

SOLID WASTE COLLECTION
SERVICE DISTRICT FUND

Unappropriated and Unencumbered
Solid Waste Collection Service District Fund
TOTAL DECREASE

258,000
258,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

President SerVaas reconvened the City-County Council.

NEW BUSINESS

Mr. Elrod said that the Majority and Minority Leaders have agreed on nominations for the County Salary Recommendations Panel as Bob Lazard, Jeff Saunders, and Chuck Ricks, and these appointments need to be confirmed. Councillor Borst moved, seconded by Councillor Boyd, to confirm these appointments. The appointments were confirmed by a unanimous voice vote.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Knox in memory of James W. Magee, John W. Cannaday, and Bethany Ratcliff; and
- (2) Councillors Tilford, Langsford, Soards, Bradford, and Schneider in memory of Lucille Cottey Smith; and
- (3) Councillor Horseman in memory of Thomas M. Scanlon; and
- (4) Councillors Dowden, Soards, Coonrod, and Schneider in memory of Ronald T. Roberts; and
- (5) Councillor Langsford in memory of Harry F. and Theresa Osis Armour; and
- (6) Councillor Moriarty Adams in memory of Donald Marlett and Teresa Page; and
- (7) Councillor Soards in memory of Dawn Axom.

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of James W. Magee, John W. Cannaday, Bethany Ratcliff, Lucille Cottey Smith, Thomas M. Scanlon, Ronald T. Roberts, Harry F. and Theresa Osis Armour, Donald Marlett, Teresa Page, and Dawn Axom. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:46 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 8th day of April, 2002.

April 8, 2002

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.



President

ATTEST:



Clerk of the Council

(SEAL)

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, APRIL 29, 2002**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:14 p.m. on Monday, April 29, 2002, with President SerVaas presiding.

Councillor Black introduced the pastor of Jones Tabernacle African Methodist Episcopal Zion Church, Dwayne A. Walker, who led the opening prayer. Councillor Black then invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

President SerVaas instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

27 PRESENT: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Talley, Tilford
2 ABSENT: Langsford, Short

A quorum of twenty-seven members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Nytes recognized a contingent of the Slovak Republic government who is in the City to observe how government entities in this state work. Councillor Borst recognized former *Indianapolis Star* reporter Doug Sword, who resigned this week. Councillor Borst said that Mr. Sword was a fair-minded reporter and will be missed.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, April 29, 2002, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Beurt SerVaas
President, City-County Council

April 9, 2002

TO PRESIDENT SERVAAS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, April 12, 2002, a copy of a Notice of Public Hearing on Proposal Nos. 151-153, 155, 156, and 158-161, 2002, said hearing to be held on Monday, April 29, 2002, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Suellen Hart
Clerk of the City-County Council

April 19, 2002

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Suellen Hart, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 23, 2002 - appropriates the Department of Corrections' increase of \$22,792 in the 2002 Budget of Community Corrections (Home Detention Fund) for FY 2001-02

FISCAL ORDINANCE NO. 24, 2002 - approves an increase of \$650,000 in the 2002 Budget of Community Corrections (Home Detention Fund) to fund the housing of felons in the Corrections Center Component, funded by fund balances

FISCAL ORDINANCE NO. 25, 2002 - approves a re-appropriation of \$330,000 in the 2002 Budget of the Department of Public Works, Operations Division (Solid Waste Disposal Fund) to pay prior year expenditures in order to maintain current year expenditures from the current year budget, financed by fund balances

FISCAL ORDINANCE NO. 26, 2002 - approves an increase of \$205,000 in the 2002 Budget of the Department of Public Works, Operations Division (Sanitation Liquid Waste Fund) to pay prior year expenditures for sewer billing services in order to maintain current year expenditures from the current year budget, financed by fund balances

FISCAL ORDINANCE NO. 27, 2002 - approves an increase of \$2,665,000 in the 2002 Budget of the Department of Public Works, Operations Division (Sanitation Liquid Waste Fund) to pay prior year expenditures for wastewater collection services in order to maintain current year expenditures from the current year budget, financed by fund balances

FISCAL ORDINANCE NO. 28, 2002 - approves a transfer of \$25,000 in the 2002 Budget of the Marion County Justice Agency (Conditional Release Fund) to provide funds for the redesign project of the Conditional Release Office

April 29, 2002

GENERAL ORDINANCE NO. 30, 2002 - amends dates for appointment and report of County Salary Recommendation Panel

GENERAL ORDINANCE NO. 31, 2002 - authorizes the removal of parking restrictions for Sear Terrace between Palo Verde Drive and Paso Del Norte Drive (Districts 20, 24)

GENERAL ORDINANCE NO. 32, 2002 - authorizes a traffic signal at 86th Street and Castleton Square Mall West Drive (Districts 4, 5)

GENERAL ORDINANCE NO. 33, 2002 - authorizes a traffic signal at Emerson Avenue, Commerce Square, and McFarland Boulevard (Districts 23, 24)

GENERAL ORDINANCE NO. 34, 2002 - authorizes intersection controls at Nathan Lane and Nathan Place (District 23)

GENERAL ORDINANCE NO. 35, 2002 - authorizes intersection controls at Country Club Boulevard and Kayla Drive (District 18)

GENERAL ORDINANCE NO. 36, 2002 - authorizes intersection controls for the Traditions of Westmont Park Subdivision (District 18)

GENERAL ORDINANCE NO. 37, 2002 - authorizes a multi-way stop at 26th Street and Franklin Place (District 16)

GENERAL ORDINANCE NO. 38, 2002 - authorizes intersection controls at 23rd Street and DeQuincy Street (District 10)

GENERAL ORDINANCE NO. 39, 2002 - authorizes a multi-way stop at Central Avenue and 58th Street (District 7)

GENERAL ORDINANCE NO. 40, 2002 - authorizes parking restrictions on Ransdell Street from Pleasant Run Parkway N. Drive to Raymond Street (District 20)

GENERAL ORDINANCE NO. 41, 2002 - authorizes parking restrictions on Northwest Boulevard from 84th Street to 86th Street (District 1)

GENERAL ORDINANCE NO. 42, 2002 - authorizes a one-way southbound on Downey Avenue from Julian Avenue to Washington Street; and authorizes parking restrictions on Downey Avenue, on the west side, from a point 30 feet south of Julian Avenue to Washington Street (District 13)

GENERAL RESOLUTION NO. 2, 2002 - authorizes the Department of Public Works to implement a parking meter blackout on Monument Circle on May 24, 2002

SPECIAL RESOLUTION NO. 21, 2002 - recognizes Cieare Horton

SPECIAL RESOLUTION NO. 22, 2002 - recognizes Deacon James Meyers

SPECIAL RESOLUTION NO. 23, 2002 - recognizes the Speedway Sparkplugs for their first-ever state basketball championship title

SPECIAL RESOLUTION NO. 24, 2002 - determines the need to lease office space at 1375 West 16th Street for the Department of Public Works

SPECIAL RESOLUTION NO. 25, 2002 - congratulates the Junior League of Indianapolis upon their 80th Anniversary

SPECIAL RESOLUTION NO. 26, 2002 - commends Flanner and Buchanan Funeral Centers, Washington Park Cemetery Association, Inc. and Catholic Cemeteries Association for their children's bicycle helmet safety initiative

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 3, 2002 - approves a re-appropriation of \$42,575 in the 2002 Budget of the Department of Public Safety, Fire Division (Federal Grants Fund) to manage the FEMA Urban Search and Rescue Task Force - 1, funded by a federal grant

SOLID COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 2002 - approves an appropriation of \$258,000 in the 2002 Budget of the Department of Public Works, Operations Division (Solid Waste Collection Service District Fund) to pay for 2001 expenses as well as anticipated 2002 expenses for temporary labor services, financed by fund balances

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of April 8, 2002. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 212, 2002. The proposal, sponsored by Councillor Dowden, concerns the National Day of Prayer. Councillor Dowden read the proposal and moved, seconded by Councillor Bradford, for adoption. Proposal No. 212, 2002 was adopted by a unanimous voice vote.

Proposal No. 212, 2002 was retitled COUNCIL RESOLUTION NO. 59, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 59, 2002

A COUNCIL RESOLUTION concerning the National Day of Prayer.

WHEREAS, throughout the history of America, our people have offered prayers of thanksgiving for our God-given rights and the blessings which we enjoy, as well as prayers for guidance, comfort, and protection; and

WHEREAS, in times of joy and times of peril, our Presidents, from George Washington to George W. Bush, have called upon Americans to pray to our Creator; and

WHEREAS, observance of a National Day of Prayer was first declared by the Continental Congress in 1775; and

WHEREAS, the United States Congress in 1952 and again in 1988 reconfirmed this observance by proclaiming the first Thursday in May of each year as a National Day of Prayer; and

WHEREAS, the watchword emanating from the tragic events of September, 2001, "AMERICA UNITED UNDER GOD" has been adopted as the theme of the 51st National Day of Prayer on Thursday, May 2, 2002; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council encourages our citizens to observe this day individually, as families, and as a community by joining their fellow citizens in praying for God's continuing guidance, comfort and protection for our Nation.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 213, 2002. The proposal, sponsored by Councillors Horseman, Conley, Gibson, and Sanders, recognizes Fiesta Indianapolis' Cinco de Mayo community celebration on May 5. Councillor Horseman read the proposal and presented a copy of the document and a Council pin to Lourdes Palacio, Fiesta Indianapolis, Inc. Ms. Palacio thanked the Council for the recognition and invited all to join the celebration on May 5. Councillor Horseman moved,

seconded by Councillor Sanders, for adoption. Proposal No. 213, 2002 was adopted by a unanimous voice vote.

Proposal No. 213, 2002 was retitled SPECIAL RESOLUTION NO. 27, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 27, 2002

A SPECIAL RESOLUTION recognizing Fiesta Indianapolis' Cinco de Mayo community celebration on May 5th.

WHEREAS, Fiesta Indianapolis, Inc. will observe Cinco de Mayo with a community celebration from 11:00 a.m. to 6:00 p.m. on May 5th, at the American Legion Mall and Veterans Memorial Plaza; and

WHEREAS, Cinco de Mayo marks the victory of the Mexican Army over the French at the Battle of Puebla during the American Civil War, and although the Mexicans were later defeated, the *Batalla de Puebla* came to represent a symbol of Mexican unity and patriotism against European intervention; and

WHEREAS, the Fiesta Indianapolis celebration of Cinco de Mayo will feature a wide variety of music including Tex-Mex by the Cool Chilies and Mariachis, and local students will reenact the Battle of Puebla in both English and Spanish; and

WHEREAS, Mexican folklore dances and storytelling will be woven throughout the program, a cooking contest among the food vendors will be a fun event with proceeds used to establish a scholarship fund for students interesting in becoming culinary art chefs, along with many other entertaining and educational Hispanic cultural experiences all day long; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes Fiesta Indianapolis for hosting the Cinco de Mayo community celebration.

SECTION 2. The Council encourages all citizens who wish to experience the local South of the Border event to attend this exciting celebration in downtown Indianapolis on May 5th.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 214, 2002. The proposal, sponsored by Councillors Horseman, Sanders, and Nytes, recognizes world champion powerlifter Michelle Amsden. Councillor Horseman read the proposal and presented Ms. Amsden with a copy of the document and a Council pin. Ms. Amsden's mother, Cindy Amsden, relayed how her daughter got started in the sport and thanked the Council for recognizing her. Ms. Amsden thanked the Council for recognizing her achievements. Councillor Horseman moved, seconded by Councillor Nytes, for adoption. Proposal No. 214, 2002 was adopted by a unanimous voice vote.

Proposal No. 214, 2002 was retitled SPECIAL RESOLUTION NO. 28, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 28, 2002

A SPECIAL RESOLUTION recognizing world champion powerlifter Michelle Amsden.

WHEREAS, Indiana University sports administration graduate student Michelle Amsden has blazed a trail in the sport of powerlifting; and

WHEREAS, earlier this month she broke a world record by lifting 942 pounds in the sport's three lifts (including an amazing single 374-pound lift) in the women's 123-pound weight class at the International Powerlifting Federation's Student Cup Championships at Novgorod, Russia; and

WHEREAS, now she is primed for the late May Women's World Championships at Riesa, Germany, and in September's Junior World Championships at Sochi, Russia; and

WHEREAS, Ms. Amsden has recently been ranked first in the United States and sixth in the world in her 123-pound weight class; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes and congratulates Indiana native Michelle Amsden who is an outstanding world class powerlifter, and a good representative of the Hoosier State.

SECTION 2. The Council wishes Michelle well in her raising funds to support her travels to powerlifting matches, in her studies at I.U., in her powerlifting contests against the best in the world, and in her many years of productive life yet ahead.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 215, 2002. The proposal, sponsored by Councillors Sanders, Black, and Horseman, recognizes Workers Memorial Day that was celebrated April 28, 2002. Councillor Sanders read the proposal and moved, seconded by Councillor Black, for its adoption. Proposal No. 215, 2002 was adopted by a unanimous voice vote.

Proposal No. 215, 2002 was retitled SPECIAL RESOLUTION NO. 29, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 29, 2002

A SPECIAL RESOLUTION recognizing Workers Memorial Day that was celebrated April 28, 2002.

WHEREAS, Workers Memorial Day was established on April 28, 1989; and

WHEREAS, on that day in 1995, the State of Indiana dedicated a memorial statute at West Street and Government Drive to honor all those workers in the State of Indiana who had lost their lives on the job; and

WHEREAS, every year tens of thousands of American workers, including many in our own community, are killed, permanently disabled, injured or made ill by workplace injuries and occupational disease; and

WHEREAS, this year has special significance as we mourn those killed in the September 11 terrorist attacks, which claimed the lives of more than 3,000 people – most of whom were workers at their jobs when the attacks occurred or rescue workers who worked to save lives; and

WHEREAS, concerned Americans are determined to prevent these tragedies by:

- Observing Workers Memorial Day on April 28, as a day to remember these victims of workplace injuries;
- Renewing efforts to seek stronger safety and health protections, better standards and enforcement and fair and just compensation; and by
- Rededicating ourselves to improving safety and health in every American workplace; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council joins with others throughout the country to acknowledge those workers who have given their lives and limbs in the name of commerce and industry, and further, that we commit to the adage made famous by Mary Harris "Mother" Jones which reads, "Pray for the dead and fight for the living."

SECTION 2. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 216, 2002. The proposal, sponsored by Councillor Talley, recognizes the Honorable Bishop S. C. Madison of the United House of Prayer For All People. Councillor Talley read the proposal and presented a copy of the document and a Council pin to Reverend Jackson, pastor of the United House of Prayer For All People. Rev. Jackson thanked the Council for the recognition. Councillor Talley moved, seconded by Councillor Gibson, for adoption. Proposal No. 216, 2002 was adopted by a unanimous voice vote.

Proposal No. 216, 2002 was retitled SPECIAL RESOLUTION NO. 30, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 30, 2002

A SPECIAL RESOLUTION recognizing the Honorable Bishop S.C. Madison of the United House of Prayer For All People.

WHEREAS, a long established practice of institutions of higher education is the awarding of honorary degrees to individuals who exhibit extraordinary success in society and in the improvement of human welfare, and the Honorable Bishop S.C. Madison of the United House of Prayer For All People has received two honorary degrees; and

WHEREAS, Bishop Madison has been a whirlwind with vision, signature and style in causing the building of 125 new Houses of Prayer throughout the U.S.; and

WHEREAS, his tireless energies have also resulted in hundreds of new affordable multi-family housing units, stylish new town homes, parsonages, commercial and retail neighborhood malls and housing units for senior citizens in several communities, all built mortgage-free, without assistance from government grants, and without loans; and

WHEREAS, Bishop Madison has shown an untiring mission to build up Churches, families and communities – all faith-based initiatives, without governmental funds; and

WHEREAS, he has spent a lifetime of helping others, nurturing God's Kingdom on earth, and reminding people that by keeping God first in our lives, that people can be successful; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the lifetime achievements of the Honorable Bishop S.C. Madison of the United House of Prayer For All People.

SECTION 2. May Bishop Madison's life serve as an example, as a beacon, and as a role model to others for many years to come.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

President SerVaas said that there were a couple of special resolutions submitted after the deadline date. He said that if the Council will give consent to hear them at this time, he is assured

deadlines will be adhered to in the future. Councillor Nytes said that her proposal, Proposal No. 235, 2002, can wait until the next meeting and therefore she will not prolong this evening's agenda. She moved, seconded by Councillor Black, to postpone. Proposal No. 235, 2002 was postponed until May 20, 2002. Consent was given to hear Proposal No. 236, 2002.

PROPOSAL NO. 236, 2002. The proposal, sponsored by Councillors Smith and Short, recognizes the 15th Anniversary of the Greek Islands Restaurant. Councillor Smith read the proposal and presented George Stergiopoulos, owner of the restaurant, with a copy of the document and a Council pin. Mr. Stergiopoulos thanked the Council for the recognition. Councillor Smith moved, seconded by Councillor Conley, for adoption. Proposal No. 236, 2002 was adopted by a unanimous voice vote.

Proposal No. 236, 2002 was retitled SPECIAL RESOLUTION NO. 32, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 32, 2002

A SPECIAL RESOLUTION recognizing the 15th Anniversary of the Greek Islands Restaurant.

WHEREAS, fifteen years ago, in 1987, Elias and Fofo Stergiopoulos opened the Greek Island Restaurant; and

WHEREAS, at that time, unlike today, there was not a lot of ethnic awareness and diversity in Indianapolis, so this lifelong dream of opening an ethnic restaurant was a very bold move; and

WHEREAS, specializing in Greek foods, the restaurant at 906 South Meridian Street is now run by their son, George, with help from his sisters Angela and Penny, and 10-15 loyal employees; and

WHEREAS, through the years the family business has worked hard to keep a unique old style restaurant atmosphere of friendliness and hospitality, and Greek Islands has become a local institution and a mandatory stop for businessmen when their travels bring them to Indianapolis; and

WHEREAS, the family has always felt a special obligation to give back to the community by opening its doors to civic meetings, George is on the Board of Directors of the area's Concord Development Corporation, and in numerous other community involvements; and

WHEREAS, on May 22, 2002, Greek Islands will celebrate its 15th Anniversary with a rededication of what has already become a landmark restaurant; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes and congratulates Greek Island Restaurant upon its 15th Anniversary, and wishes it well for the next 15 years and beyond.

SECTION 2. Small business entrepreneurship is the backbone of America's free enterprise system, and Greek Islands could write the book on staying with the basics to remain successful in good times and bad.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor SerVaas stated that Proposal No. 718, 2001 and Proposal No. 113, 2002 are board appointments that passed out of their respective committees with unanimous do pass recommendations. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 718, 2001. The proposal, sponsored by Councillor Borst, reappoints Steven M. Badger to the Metropolitan Board of Zoning Appeals Division II. PROPOSAL NO. 113, 2002.

The proposal, sponsored by Councillor Bainbridge, reappoints David B. Sears to the Speedway Economic Development Commission. Councillor Smith moved, seconded by Councillor Bainbridge, for adoption. Proposal No. 718, 2001 and Proposal 113, 2002 were adopted by a unanimous voice vote.

Proposal No. 718, 2001 was retitled COUNCIL RESOLUTION NO. 60, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 60, 2002

A COUNCIL RESOLUTION reappointing Steven M. Badger to the Metropolitan Board of Zoning Appeals Division II.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Metropolitan Board of Zoning Appeals Division II, the Council reappoints:

Steven M. Badger

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 113, 2002 was retitled COUNCIL RESOLUTION NO. 61, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 61, 2002

A COUNCIL RESOLUTION reappointing David B. Sears to the Speedway Economic Development Commission.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Speedway Economic Development Commission, the Council reappoints:

David B. Sears

SECTION 2. The appointment made by this resolution is for a term ending January 31, 2006. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

PROPOSAL NO. 211, 2002. Councillor Massie reported that the Rules and Public Policy Committee heard Proposal No. 211, 2002 on April 16, 2002. The proposal, sponsored by Councillor Massie, establishes the rules for redistricting hearings. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Horseman made the following motion:

Mr. President:

I move to amend Proposal No. 211, 2002 by adding a new subsection (e) in Section 1, Rule 2, which reads:

- (e) The Committee on Rules and Public Policy shall not consider any redistricting plan, whether submitted by an individual Councillor or a Caucus, unless such plan shall

have been made available for review by both Caucuses at least two (2) days prior to the date on which the Committee on Rules and Public Policy considers the plan. No amendment to a redistricting plan shall be considered by the Committee on Rules and Public Policy if such amendment has the effect of altering the district boundaries of more than five (5) of the proposed councilmanic districts in the plan. The rules contained in this subsection may be waived upon a two-thirds (2/3) vote of the Committee members.

And renumbering the remaining subsections in Rule 2.

Councillor Gibson seconded the motion.

Councillor Coughenour asked what the rationale behind the five councilmanic districts is. Councillor Horseman said that it seemed like a reasonable number, but can be changed if Councillor Coughenour would like to suggest a different number. Councillor Horseman said that if a change is very small and only affects one district, it would probably be very minor, but if it affected more than five districts, it would probably be a significant change. Councillor Coughenour said that she is uncomfortable with that entire sentence in the ordinance and she would prefer to amend without that sentence. Councillor Horseman said that deleting that sentence would defeat the purpose of the amendment, as someone could present an entire new plan as an amendment at the last minute.

Councillor Soards said that he understood the schedule for this redistricting allows for adequate public input and review by the Council and he believes there are already sufficient safeguards in place. Councillor Massie said that this is correct, and the schedule allows as much public input as possible. He said that it seems to him this amendment applies to the caucuses' review of this public input.

Councillor Borst said that he does not think that the first part of the amendment is necessary, as the Rules say that August 26, 2002 is the last date an amendment or plan can be offered. He said that gives the Council three weeks to review the final plans. He said that he also has concerns about why the number five was chosen as the number of districts an amendment might affect. He said that he believes the schedule safeguards all of the issues addressed in this amendment, and therefore makes this amendment unnecessary.

Councillor Massie agreed that there will be a full three weeks for review by the caucuses. He said that the Committee accommodated several of Councillor Horseman's amendments during the Committee hearing and now she is turning around and trying to put more limitations on a process which has only just begun. He said that he opposes the amendment.

Councillor Nytes said that she supports the amendment as it will insure that everyone has ample opportunity to review the plans and any amendments.

Councillor Coughenour said that she does not think two days is too much to ask for review, but she feels testimony has shown that there are actually three weeks already built into the schedule. Therefore, she sees no need for this amendment. She said that if a huge amendment comes in at the last minute, the Council has the right to reject such an amendment. Councillor Talley asked if such an amendment would be rejected by Councillor Coughenour if it were brought from her own political party. Councillor Coughenour said that each amendment that came before the Council body would have to be judged on its own merit and the amount of change from the original plan submitted.

Councillor Massie said there have been times that the Council has worked right up until the Council hearing to negotiate budget items, and putting limitations on negotiations really does not serve the purpose of discussion. He said that he believes a more open forum should be allowed.

Councillor Boyd said that this motion is an effort to prevent the twelfth hour approaches the Council has seen on some other matters recently. He said that this amendment would not curtail legitimate amendments to the plan that come in a timely manner.

Councillor Nytes said that she feels that negotiating up until the last minute does a disservice to the taxpayers when these discussions are handled in non-public sessions.

Councillor Horseman's motion to amend Proposal No. 211, 2002 failed on the following roll call vote; viz:

13 YEAS: Black, Boyd, Brents, Conley, Douglas, Gibson, Gray, Horseman, Knox, Moriarty, Adams, Nytes, Sanders, Talley
14 NAYS: Bainbridge, Borst, Bradford, Cockrum, Coonrod, Coughenour, Dowden, Massie, McWhirter, Schneider, SerVaas, Smith, Soards, Tilford
2 ABSENT: Langsford, Short

Councillor Coonrod asked if Councillor Horseman would be amenable to an amendment to her motion to eliminate the last two sentences, as that seems to cause the most concern. He said that the schedule already calls for more than two days notice to caucuses, and therefore the first part of the amendment might be more acceptable to members of the body. Councillor Horseman said that she would be open to such an amendment.

Councillor Coonrod therefore made the following motion:

Mr. President:

I move to amend Proposal No. 211, 2002 by adding a new subsection (e) in Section 1, Rule 2, which reads:

(e) The Committee on Rules and Public Policy shall not consider any redistricting plan, whether submitted by an individual Councillor or a Caucus, unless such plan shall have been made available for review by both Caucuses at least two (2) days prior to the date on which the Committee on Rules and Public Policy considers the plan.

Councillor Horseman seconded the motion.

Councillor Massie said that this portion of the amendment is already covered in the schedule and the existing Rules. He said that he does not see the need for this amendment. Councillor Coonrod said that he felt since the redundancy does no harm, he does not see the problem in accepting the amendment. Councillor Massie said that he hates to see redundant language put into the proposal that could be interpreted differently and argued over at a later date.

President SerVaas called for a vote on Councillor Coonrod's motion to amend. The President ruled that the motion failed by a voice vote. Councillor Borst called for a division on the vote. The motion failed by the following roll call vote; viz:

*13 YEAS: Black, Boyd, Brents, Conley, Douglas, Gibson, Gray, Horseman, Knox, Moriarty
Adams, Nytes, Sanders, Talley*

*14 NAYS: Bainbridge, Borst, Bradford, Cockrum, Coonrod, Coughenour, Dowden, Massie,
McWhirter, Schneider, SerVaas, Smith, Soards, Tilford*

2 ABSENT: Langsford, Short

Councillor Massie moved, seconded by Councillor Dowden, for adoption. Proposal No. 211, 2002 failed for want of statutory majority on the following roll call vote; viz:

*14 YEAS: Bainbridge, Borst, Bradford, Cockrum, Coonrod, Coughenour, Dowden, Massie,
McWhirter, Schneider, SerVaas, Smith, Soards, Tilford*

*13 NAYS: Black, Boyd, Brents, Conley, Douglas, Gibson, Gray, Horseman, Knox, Moriarty
Adams, Nytes, Sanders, Talley*

2 ABSENT: Langsford, Short

Councillor Horseman asked for consent to explain her vote. Consent was given. She said that she opposed the proposal because of the way the voting process on the amendments was conducted this evening.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 187, 2002. Introduced by Councillor Langsford. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$12,000 in the 2002 Budget of the County Coroner (County General Fund) to provide funds for data cable expenditures for the building on McCarty Street"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 188, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$220,240 in the 2002 Budgets of the County Auditor and the Marion County Public Defender Agency (State and Federal Grants Fund) to fund advocate alternative sentencing options and a Mental Health Coordinator, funded by a grant from the Indiana Criminal Justice Institute (Local match of \$73,413 is funded by the following existing appropriations: \$60,042 in the Marion County Public Defender Agency General Fund budget and \$13,371 from an outside agency [Midtown Mental Health].)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 189, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$35,000 in the 2002 Budget of the County Sheriff (State and Federal Grants Fund) to appropriate a pass-through grant from the Indiana Criminal Justice Institute for the Destiny Delinquency Prevention and Music Therapy Program"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 190, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$202,462 in the 2002 Budget of the County Sheriff (State and Federal Grants Fund) for the reimbursement of prior expenses related to housing illegal aliens by the State Criminal Alien Assistance Program, funded by a grant from the Bureau of Justice Assistance"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 191, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$57,806 in the 2002

Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to appropriate a state grant for the Kindermusik Family Re-Integration Project"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 192, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which creates a clerk's cash change fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 193, 2002. Introduced by Councillor Gibson. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the code to prohibit the carrying of dangerous weapons, sharp objects, or explosives in certain places of public assemblage"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 194, 2002. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Brent A. Auberry as hearing officer"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 195, 2002. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal for Harcourt Road and Katie Knox Drive (District 3)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 196, 2002. Introduced by Councillor Soards. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Dandy Trail and Traders Cove Lane (District 1)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 197, 2002. Introduced by Councillor Soards. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Dandy Trail and Cove Court (District 1)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 198, 2002. Introduced by Councillor Soards. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Dandy Trail and Sailors Lane, and for Sailors Lane and Watersite Circle (District 1)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 199, 2002. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls at Downing Drive, Northgate Drive, and Sylvan Drive (District 9)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 200, 2002. Introduced by Councillor Short. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Clayton Avenue and Gray Street (District 21)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 201, 2002. Introduced by Councillors Knox and Borst. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Belmont Avenue and Minnesota Street (Districts 17, 25)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 202, 2002. Introduced by Councillors Knox and Borst. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in parking restrictions on Belmont Avenue near Minnesota Street (Districts 17, 25)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 203, 2002. Introduced by Councillor Knox. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Mount Street from the first alley south of Washington Street to Washington Street (District 17)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 204, 2002. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Capitol Avenue near 20th Street (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 205, 2002. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Dorman Street and on New York Street (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 206, 2002. Introduced by Councillor Massie. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Bacon Street near Stanley Avenue to dead end (District 20)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 207, 2002. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on White River Parkway E. Drive between 30th Street and 38th Street (District 9)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 208, 2002. Introduced by Councillors Douglas and Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a weight limit restriction on Ralston Avenue from 22nd Street to 25th Street (Districts 10, 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 209, 2002. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a weight limit restriction on Riverside Drive East, from 18th Street to 29th Street (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 210, 2002. Introduced by Councillors Cockrum and Douglas. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves appropriations in the 2002 Budget of the Department of Parks and Recreation: an increase of \$229,877 (Federal Grants Fund) to continue the after-school programs for the 2001-2002 school year at Forest Manor School and School 108, financed by a federal grant (US Department of Education); and a transfer of \$60,240 (Park General Fund) to provide additional monitoring of wells at the Pleasant Run and Sarah Shank golf courses"; and the President referred it to the Parks and Recreation Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 217, 2002, PROPOSAL NO. 218, 2002, PROPOSAL NOS. 219-220, 2002, PROPOSAL NOS. 221-226, 2002, and PROPOSAL NOS. 228-234, 2002. Introduced by Councillor Smith. Proposal No. 217, 2002, Proposal No. 218, 2002, Proposal Nos. 219-220, 2002, Proposal Nos. 221-226, 2002, and Proposal Nos. 228-234, 2002 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on April 24, 2002. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 38-54, 2002, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 38, 2002.

2001-ZON-129

5330 EAST 38TH STREET (approximate address), INDIANAPOLIS.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 14

CHARITY CHRISTIAN CENTER FAMILY CHURCH requests a rezoning of 2.91 acres, being in the C-1 District, to the SU-1 classification to legally establish religious uses in an existing commercial building.

REZONING ORDINANCE NO. 39, 2002.

2001-ZON-165

4010 MEADOWS PARKWAY (approximate addresses), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 11

SUPERVALU HOLDINGS, INC., by Thomas Michael Quinn, requests a rezoning of 12.5 acres, being in the C-4 District, to the C-S classification to provide for a general contractor's facility with related offices and outdoor storage, general office space, educational uses, and C-3 permitted uses, excluding automobile oil change or lubrication shop, check cashing or validation service, drinking places, tattoo parlor, and social club.

REZONING ORDINANCE NO. 40, 2002.

2001-ZON-139 (2001-DP-016)

6600 WESTFIELD BOULEVARD (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 2

PITTMAN PARTNERS, INC., by Mary E. Solada, requests a rezoning of 12 acres, being in the C-S (FW)(FF) District, to the D-P (FW)(FF) classification to provide for multi-family residential development, consisting of 148 dwelling units (12.4 units per acre).

REZONING ORDINANCE NO. 41, 2002.

2002-ZON-801

1405 EAST BROAD RIPPLE AVENUE and 6229 INDIANOLA AVENUE (approximate addresses), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 7

CENTRAL INDIANA COMMUNITY FOUNDATION, by Timothy K. Ryan, requests a rezoning of 0.69 acre, being in the D-5 District, to the C-1 classification to legally establish an existing office building and to provide for a new off-street parking lot.

REZONING ORDINANCE NO. 42, 2002.

2001-ZON-858 (Amended)

443 VIRGINIA AVENUE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16.

FOURTH STREAM ADVISORS, INC, by David R. Warshauer, requests a rezoning of 1.50 acres, being in the I-3-U (RC) District, to the CBD-2 (RC) classification to provide for residential and commercial uses.

REZONING ORDINANCE NO. 43, 2002.

2001-ZON-863 (2001-DP-018) (Amended)

1702 BRIDGEPORT ROAD (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 19

JOHN B. URBANS, by Thomas Michael Quinn, requests a rezoning of 30 acres, being in the D-A and SU-43 (FW) (FF) Districts, to the D-P (FW) (FF) classification to provide for 121 single-family dwellings, or 4.03 units per acre.

REZONING ORDINANCE NO. 44, 2002.

2002-ZON-018

7013 and 7015 SOUTH U.S. 31 (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 20

WAYNE W. VAUGHT requests a rezoning of 1.12 acres, being in the D-3 District, to the C-3 classification to provide for neighborhood commercial uses.

REZONING ORDINANCE NO. 45, 2002.

2002-ZON-021

7550 ZIONSVILLE ROAD (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1

DUKE REALTY LIMITED PARTNERSHIP, by Philip A. Nicely, requests a rezoning of 10.264 acres, being in the D-A District, to the C-S classification to provide for all permitted I-2-S and C-1 uses.

REZONING ORDINANCE NO. 46, 2002.

2001-ZON-160

1551-1557 NORTH COLLEGE AVENUE (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

NEIGHBORHOOD/DOWNTOWN ZONING ASSISTANCE/DECKER DEVELOPMENT CORP, requests a rezoning of 0.2 acre, being in the C-3 district, to the D-8 classification.

REZONING ORDINANCE NO. 47, 2002.

2001-ZON-169

312 E. 10TH STREET/1005 N. ALABAMA STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

CHARLES MARIE INVESTMENTS, LLC by MARY E. SOLADA, requests a rezoning of 1 acre, being in the C-4 district, to the D-8 classification to provide for townhouse development.

REZONING ORDINANCE NO. 48, 2002.

2002-ZON-027

3623 EAST SOUTHPORT ROAD (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24

TRADEMARK CUSTOM HOMES, INC., by Raymond Good, requests a rezoning of 0.21 acre, being in the D-3 District, to the C-1 classification to provide for general office uses.

REZONING ORDINANCE NO. 49, 2002.

2002-ZON-806

2656, 2702, and 2706 SOUTH HOLT ROAD (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 17

CHRIS and SAMANTHA AMONETT request a rezoning of 0.36 acre, being in the D-5 District to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 50, 2002.

2002-ZON-807

4825 NORTH ARLINGTON AVENUE (approximate address), INDIANAPOLIS.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 11

INDIANAPOLIS PUBLIC SCHOOLS requests a rezoning of 23.572 acres, being in the D-3 District, to the SU-2 classification to legally establish educational uses.

REZONING ORDINANCE NO. 51, 2002.

2002-ZON-808

4201 MASSACHUSETTS AVENUE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 10

PRODUCERS REALTY, LLC, by Joseph D. Calderon, requests a rezoning of 8.37 acres, being in the D-5 and C-7 Districts, to the I-4-U classification to provide for an industrial park.

REZONING ORDINANCE NO. 52, 2002.

2002-ZON-809 (Amended)

51 WEST RAYMOND STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 25.

THE GREENE LIMITED PARTNERSHIP requests a rezoning of 1.84 acres, being in the C-7 and D-5 Districts, to the I-3-S classification to provide for light industrial suburban uses.

REZONING ORDINANCE NO. 53, 2002.

2002-ZON-814

1301 NORDYKE AVENUE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 25

ELI LILLY and COMPANY, by Joseph M. Scimia, requests a rezoning of 5.23 acres, being in the D-5 District, to the I-3-U classification to provide for a medium-intensity industrial uses.

REZONING ORDINANCE NO. 54, 2002.

2002-ZON-815

6229-6235 CARROLLTON AVENUE (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 7

BRADLEY J. WARNECKE, by Douglas W. Pool, requests a rezoning of 0.31 acre, being in the D-5 (FF) District, to the C-3 (FF) classification to provide for neighborhood commercial uses.

PROPOSAL NO. 186, 2002. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 186, 2002 on April 22, 2002. The proposal is an inducement resolution for Tara Apartments in an amount not to exceed \$9,000,000 which consists of the rehabilitation of a 228-unit, pre-existing apartment complex on an approximately 11.535 acre parcel of real estate located at 3287 East Tara Court (District 8). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Smith moved, seconded by Councillor Bainbridge, for adoption. Proposal No. 186, 2002 was adopted on the following roll call vote; viz:

23 YEAS: Bainbridge, Black, Boyd, Bradford, Brents, Cockrum, Conley, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Massie, McWhirter, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Talley, Tilford

0 NAYS:

4 NOT VOTING: Borst, Coonrod, Coughenour, Moriarty Adams

2 ABSENT: Langsford, Short

Proposal No. 186, 2002 was retitled SPECIAL ORDINANCE NO. 2, 2002, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 2, 2002

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue \$9,000,000 City of Indianapolis, Indiana Multifamily Housing Revenue Bonds, Series 2002 (Tara Apartments Project) (the "Bonds") and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code Title 36, Article 7, Chapters 11.9 and 12 (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, the Act provides that an issuer may, pursuant to the Act, issue revenue bonds and lend the proceeds thereof to a corporation, partnership, trust or individual for the purpose of financing costs of acquisition or construction of facilities, including real and personal property, for diversification of economic development and promotion of job opportunities in or near such issuer, and

WHEREAS, the Act provides that such bonds may be secured by a trust indenture between an issuer and a corporate trustee; and

WHEREAS, Herman Associates, Inc. on behalf of Tara Apartments (the "Borrower") has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Borrower in order to enable the Borrower to finance certain capital assets, including, but not limited to, the acquisition, rehabilitation, renovation, construction and equipping of an existing apartment complex

with a total of 228 units, located on approximately 11.535 acres, at 3287 E. Tara Court, in Indianapolis, Indiana (the "Project"); and

WHEREAS, the Indianapolis Economic Development Commission has rendered a report concerning the proposed financing of economic development facilities for the Borrower and the report has been submitted to the Metropolitan Development Commission of Marion County for comment thereon; and

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the Project by issuing not to exceed \$9,000,000 City of Indianapolis, Indiana Multifamily Housing Revenue Bonds, Series 2002 (Tara Apartments Project) (the "Bonds"); and

WHEREAS, the financing will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating in the same market area or in or about Marion County, Indiana; and, now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Financing Documents consisting of the Project, the issuance and sale of the Bonds, the loan of the net proceeds thereof to the Borrower for the purposes of financing or providing reimbursement for a portion of the cost of the Project, and the repayment of said loan by the Borrower will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act, including in particular the requirement of promoting a substantial likelihood of creating or retaining opportunities for gainful employment. Furthermore, it is hereby found that the Project, which consists of the acquisition and rehabilitation of Heritage Park Apartments by the Borrower, will further a public purpose of the Issuer through, among other things, the provision of quality, affordable, multifamily housing and services to the tenants.

SECTION 2. The Issuer shall issue its Bonds in one or more series and in the principal amounts not to exceed \$9,000,000 for the purpose of procuring funds to loan to the Borrower in order to finance or provide reimbursement for a portion of the cost of the Project which Bonds will be payable as to principal and interest solely from the payments made by the Borrower. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 3. All costs of the Project incurred after the date which is sixty (60) days prior to the date of adoption of the special resolution to be adopted by the City-County council of the Issuer, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for application fees, planning, engineering, a portion of the interest paid during acquisition and rehabilitation, underwriting, expenses, attorney and bond counsel fees, and acquisition, rehabilitation and equipping of the Project will be permitted to be included as part of the bond issue to finance the Project, and the Issuer will lend the proceeds from the sale of the bonds to the Applicant for the same purposes. Also certain indirect expenses incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project in accordance with the Final Regulations (T-8476) on Arbitrage Restrictions on Tax-Exempt Bonds, in particular, Section 1.150-2.

SECTION 4. This special ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

SECTION 5. The Issuer hereby finds and determines that the amount of tax credits to be allocated to the Project under Section 42 of the Internal Revenue Code of 1986, as amended, does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, the Issuer has relied upon representations of the Borrower. The foregoing determinations shall not be construed to be a representation or warranty by the Issuer as to the feasibility or viability of the Project. The Issuer hereby authorizes and directs the Mayor of the City of Indianapolis to review and make the foregoing determination again for and on behalf of the Issuer at the request of the Borrower, following receipt of supporting materials submitted by the Borrower to the Indiana Housing Finance Authority ("IHFA") and either written representations of the Borrower or of IHFA to the effect that (i) the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project and (ii) the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan. The Mayor hereby delegates to the Director, Department of Metropolitan Development, the authority to execute on behalf of the Issuer any and all documents required in the application process for tax credit allocations. Such determinations shall occur on or about the date of the sale of the Bonds to the Purchasers thereof and on or about the date that each

building is placed in service. In reliance upon the representations of the Borrower, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 112, 2002. Councillor Bradford reported that the Community Affairs Committee heard Proposal No. 112, 2002 on April 23, 2002. The proposal approves an increase of \$19,600 in the 2002 Budgets of the County Auditor and the Cooperative Extension Service (County Grants Fund) to fund Character Education at after-school sites within the Indianapolis Public School system, funded by a grant from the Indianapolis Board of School Commissioners. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:39 p.m. There being no one present to testify, Councillor Bradford moved, seconded by Councillor Conley, for adoption. Proposal No. 112, 2002 was adopted on the following roll call vote; viz:

23 YEAS: Bainbridge, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, McWhirter, Moriarty Adams, Nytes, Schneider, SerVaas, Smith, Soards, Talley, Tilford

0 NAYS:

4 NOT VOTING: Black, Borst, Massie, Sanders

2 ABSENT: Langsford, Short

Proposal No. 112, 2002 was retitled FISCAL ORDINANCE NO. 29, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 29, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Nineteen Thousand Six Hundred Dollars (\$19,600) in the County Grants Fund for purposes of the County Auditor and Cooperative Extension Service and reducing the unappropriated and unencumbered balance in the County Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and the Cooperative Extension Service to assist the county in its efforts to recover additional federal dollars that are due the County. This appropriation will be used to fund Character Education at after-school sites within the Indianapolis Public School system.

SECTION 2. The sum of Nineteen Thousand Six Hundred Dollars (\$19,600) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

COUNTY AUDITOR

1. Personal Services-fringes

COUNTY GRANTS FUND

1,305

COOPERATIVE EXTENSION SERVICE

1. Personal Services

17,045

2. Supplies

300

3. Other Services and Charges

950

TOTAL INCREASE

19,600

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>COUNTY GRANTS FUND</u>
Unappropriated and Unencumbered	
County Grants Fund	<u>19,600</u>
TOTAL REDUCTION	19,600

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 151, 2002. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 151, 2002 on April 22, 2002. The proposal, sponsored by Councillors Smith and Nytes, approves an increase of \$6,335,789 in the 2002 Budget of the Department of Metropolitan Development (State Grants, Federal Grants, Consolidated County, Redevelopment District Capital Projects, and Redevelopment Funds) for administering state and federal grants which provide affordable and supportive housing opportunities, community development, brownfield assessment and remediation, and economic development initiatives, financed by state and federal grants and fund balances. By a 4-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Schneider said that he is opposed to this proposal because there are some projects receiving Block Grant funds that he does not believe warrant grants. He believes the larger portion of his tax burden goes into these funds, and he would prefer tax cuts to redistribution of wealth.

President SerVaas called for public testimony at 8:42 p.m. There being no one present to testify, Councillor Smith moved, seconded by Councillor Nytes, for adoption. Proposal No. 151, 2002 was adopted on the following roll call vote; viz:

22 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coughenour, Douglas, Gibson, Gray, Horseman, Knox, McWhirter, Moriarty Adams, Nytes, Sanders, SerVaas, Smith, Soards, Talley, Tilford
5 NAYS: Bradford, Coonrod, Dowden, Massie, Schneider
2 ABSENT: Langsford, Short

Proposal No. 151, 2002 was retitled FISCAL ORDINANCE NO. 30, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 30, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 95, 2001) transferring and appropriating an additional Six Million Three Hundred Thirty-five Thousand Seven Hundred Eighty-nine Dollars (\$6,335,789) in the Federal Grants, State Grants, Consolidated County, Redevelopment District Capital Projects, and Redevelopment Funds for purposes of the Department of Metropolitan Development and reducing the unappropriated and unencumbered balance in the Federal Grants, State Grants, Consolidated County, Redevelopment District Capital Projects, and Redevelopment Funds.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(i) of the City-County Annual Budget for 2002 be, and is hereby, amended by

the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development to administer state and federal grants which provide affordable and supportive housing opportunities, community development, brownfield assessment and remediation, and economic development initiatives.

SECTION 2. The sum of Six Million Three Hundred Thirty-eight Thousand Seven Hundred Eighty-nine Dollars (\$6,338,789) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	<u>REDEVELOPMENT DISTRICT</u>
<u>ADMINISTRATION DIVISION</u>	<u>CAPITAL PROJECTS FUND</u>
3. Other Services and Charges	348,809
4. Capital Outlay	64,710
TOTAL INCREASE	413,519

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	<u>STATE GRANTS FUND</u>
<u>ADMINISTRATION DIVISION</u>	
3. Other Services and Charges	8,072
TOTAL INCREASE	8,072

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	<u>FEDERAL GRANTS FUND</u>
<u>ADMINISTRATION DIVISION</u>	
3. Other Services and Charges	195,627
4. Capital Outlay	35,290
TOTAL INCREASE	229,917

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	<u>REDEVELOPMENT FUND</u>
<u>ADMINISTRATION DIVISION</u>	
3. Other Services and Charges	101,030
4. Capital Outlay	168,970
TOTAL INCREASE	270,000

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	<u>CONSOLIDATED COUNTY FUND</u>
<u>ADMINISTRATION DIVISION</u>	
3. Other Services and Charges	94,000
TOTAL INCREASE	94,000

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	<u>FEDERAL GRANTS FUND</u>
<u>COMMUNITY DEVELOPMENT & FINANCIAL SERVICES DIV.</u>	
3. Other Services and Charges	4,920,281
4. Capital Outlay	400,000
TOTAL INCREASE	5,320,281

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>REDEVELOPMENT DISTRICT</u>
	<u>CAPITAL PROJECTS FUND</u>
Unappropriated and Unencumbered	
Redevelopment District Capital Projects Fund	413,519
TOTAL DECREASE	413,519

	<u>STATE GRANTS FUND</u>
Unappropriated and Unencumbered	
State Grants Fund	8,072
TOTAL DECREASE	8,072

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	5,550,198
TOTAL DECREASE	5,550,198

	<u>REDEVELOPMENT FUND</u>
Unappropriated and Unencumbered	
Redevelopment Fund	<u>270,000</u>
TOTAL DECREASE	270,000

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	<u>94,000</u>
TOTAL DECREASE	94,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 152, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 152, 2002 on April 10, 2002. The proposal, sponsored by Councillors Dowden and Moriarty Adams, approves an appropriation of \$85,899 in the 2002 Budget of the Department of Public Safety, Emergency Management Planning Division (Consolidated County Fund) to add one Deputy Administrator and one Senior Coordinator, along with some associated operating costs, financed by fund balances and partial reimbursement from the State Emergency Management Agency. Councillor Dowden moved, seconded by Councillor Smith, to return Proposal No. 152, 2002 to Committee. Proposal No. 152, 2002 was returned to Committee by a voice vote.

Councillor Horseman asked why the proposal is being returned to Committee when it passed out of committee with a 5-4 do pass recommendation. Councillor Dowden said that the proposal passed out of committee with a very narrow vote, and there are some issues he feels need further information. He said that, as a sponsor, he has the right to request that it be returned to Committee. He said that he voted in favor of the proposal himself, but he feels there are still some questions unanswered and committee members have the right to have their questions answered.

Councillor Talley said that he was present at the committee hearing, and he felt all questions were addressed and does not understand why it needs to be returned.

Councillor Coughenour said that any chair or sponsor has the right to request that a proposal be returned to Committee. Councillor Horseman said that it seems no vote is ever needed if a chairman decides to keep a proposal from coming to the floor. President SerVaas said that if the Council did not wish the proposal returned to Committee, they could have voted against the chairman's motion, and in this instance, he did not hear any "nay" votes. Councillor Horseman asked for division on the motion for a recorded vote. Proposal No. 152, 2002 was returned to Committee on the following roll call vote; viz:

17 YEAS: Bainbridge, Borst, Bradford, Brents, Cockrum, Coonrod, Coughenour, Dowden, Massie, McWhirter, Moriarty Adams, Sanders, Schneider, SerVaas, Smith, Soards, Tilford
10 NAYS: Black, Boyd, Conley, Douglas, Gibson, Gray, Horseman, Knox, Nytes, Talley
0 NOT VOTING:
2 ABSENT: Langsford, Short

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 153, 155, and 156, 2002 on April 10, 2002. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 153, 2002. The proposal, sponsored by Councillors Dowden, Moriarty Adams, and Horseman, approves an increase of \$17,345 in the 2002 Budget of the Department of Public Safety, Animal Care and Control Division (Consolidated County Fund) for construction of a fence around the proposed exercise area at the animal shelter, financed by private donations. PROPOSAL NO. 155, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$23,521 in the 2002 Budget of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to continue the Arrestee Drug Monitoring Program (ADAM), funded by a federal grant. PROPOSAL NO. 156, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$21,500 in the 2002 Budget of the Marion County Justice Agency (Law Enforcement Fund) to purchase computer equipment for the County Sheriff, financed by fund balances. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President SerVaas called for public testimony at 8:52 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal Nos. 153, 155, and 156, 2002 were adopted on the following roll call vote; viz:

24 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Knox, Massie, McWhirter, Moriarty Adams, Nytes, Schneider, SerVaas, Smith, Soards, Talley, Tilford

0 NAYS:

3 NOT VOTING: Brents, Horseman, Sanders

2 ABSENT: Langsford, Short

Proposal No. 153, 2002 was retitled FISCAL ORDINANCE NO. 31, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 31, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 95, 2001) appropriating an additional Seventeen Thousand Three Hundred Forty-five Dollars (\$17,345) in the Consolidated County Fund for purposes of the Department of Public Safety, Animal Care and Control Division and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(k) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of the Department of Public Safety, Animal Care and Control Division, to construct a fence around the proposed exercise area at the animal shelter.

SECTION 2. The sum of Seventeen Thousand Three Hundred Forty-five Dollars (\$17,345) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC SAFETY
ANIMAL CARE AND CONTROL DIVISION

4. Capital Outlay
TOTAL INCREASE

CONSOLIDATED COUNTY FUND
17,345
17,345

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	<u>17,345</u>
TOTAL REDUCTION	17,345

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 155, 2002 was retitled FISCAL ORDINANCE NO. 32, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 32, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Twenty-three Thousand Five Hundred Twenty-one Dollars (\$23,521) in the State and Federal Grants Fund for purposes of the County Auditor and the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (I) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and the Marion County Justice Agency to continue the Arrestee Drug Abuse Monitoring Program (ADAM).

SECTION 2. The sum of Twenty-three Thousand Five Hundred Twenty-one Dollars (\$23,521) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - fringes	<u>1,374</u>
<u>MARION COUNTY JUSTICE AGENCY</u>	
1. Personal Services	<u>10,066</u>
3. Other Services and Charges	<u>12,081</u>
TOTAL INCREASE	23,521

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>23,521</u>
TOTAL REDUCTION	23,521

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 156, 2002 was retitled FISCAL ORDINANCE NO. 33, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 33, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Twenty-one Thousand Five Hundred Dollars

(\$21,500) in the Law Enforcement Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the Law Enforcement Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (i), of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for the purpose of the Marion County Justice Agency to purchase computer equipment for the Marion County Sheriff's Department.

SECTION 2. The sum of Twenty-one Thousand Five Hundred Dollars (\$21,500) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>LAW ENFORCEMENT FUND</u>
4. Capital Outlay	<u>21,500</u>
TOTAL INCREASE	21,500

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>LAW ENFORCEMENT FUND</u>
Unappropriated and Unencumbered	
Law Enforcement Fund	<u>21,500</u>
TOTAL REDUCTION	21,500

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 158, 2002. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 158, 2002 on April 15, 2002. The proposal, sponsored by Councillors Coughenour and Moriarty Adams, approves an increase of \$84,000 in the 2002 Budget of the Department of Public Works, Policy and Planning Division (Storm Water Management Fund) to provide public and media relations consulting services for the Stormwater Management program, and to facilitate effective and timely communication with the non-residential property owners about the drainage program and the upcoming stormwater utility bills, financed by fund balances. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Soards asked who the company providing the consulting is. Barbara Lawrence, director of the Department of Public Works, said that the Company is Hetrick Communications.

President SerVaas called for public testimony at 8:54 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Bainbridge, for adoption. Proposal No. 158, 2002 was adopted on the following roll call vote; viz:

24 YEAS: Bainbridge, Black, Borst, Boyd, Cockrum, Conley, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Talley, Tilford
0 NAYS:
3 NOT VOTING: Bradford, Brents, Coonrod
2 ABSENT: Langsford, Short

Proposal No. 158, 2002 was retitled FISCAL ORDINANCE NO. 34, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 34, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating an additional Eighty Four Thousand Dollars (\$84,000) in the Storm Water Management Fund for purposes of the Department of Public Works, Policy and Planning Division, and reducing the unappropriated and unencumbered balance in the Storm Water Management Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(j) of the City-County Annual Budget for 2001 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Policy and Planning Division, to provide public and media relations consulting services for the Stormwater Management program and to facilitate effective and timely communication with the non-residential property owners about the drainage program and the upcoming stormwater utility bills.

SECTION 2. The sum of Eighty Four Thousand Dollars (\$84,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following increased appropriation is hereby increased:

<u>DEPARTMENT OF PUBLIC WORKS</u>	
<u>POLICY AND PLANNING DIVISION</u>	<u>STORM WATER MANAGEMENT FUND</u>
3. Other Services and Charges	<u>84,000</u>
TOTAL INCREASE	84,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STORM WATER MANAGEMENT FUND</u>
Unappropriated and Unencumbered	
Stormwater Management Fund	<u>84,000</u>
TOTAL DECREASE	84,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Coughenour reported that the Public Works Committee heard Proposal Nos. 159, 160, 161, and 157, 2002 on April 15, 2002. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 159, 2002. The proposal, sponsored by Councillors Coughenour and Moriarty Adams, approves an appropriation of \$8,320,000 in the 2002 Budget of the Department of Public Works, Engineering Division (Sanitation Liquid Waste Fund) for Real Time Control early action combined sewer overflow (CSO) projects, financed by fund balances. PROPOSAL NO. 160, 2002. The proposal, sponsored by Councillors Coughenour and Moriarty Adams, approves an appropriation of \$232,891 in the 2002 Budget of the Department of Public Works, Engineering Division (Federal Grants Fund) to further pollution control efforts on the West Fork of the White River, Fall Creek, and Pleasant Run, financed by federal funds. PROPOSAL NO. 161, 2002. The proposal, sponsored by Councillors Coughenour and Moriarty Adams, approves an appropriation of \$2,500,000 in the 2002 Budget of the Department of Public Works, Engineering Division (Solid Waste Disposal Fund) to restore the stream bank along the White River near the former Tibbs Avenue and Banta Road landfill, financed by fund balances. PROPOSAL NO. 157, 2002. The proposal, sponsored by Councillors Coughenour and Moriarty Adams, approves a transfer of \$60,000 in the 2002 Budget of the Department of Public Works, Policy and Planning Division (Sanitation Liquid Waste Fund) to purchase hardware associated with a network upgrade to the Belmont facility. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President SerVaas called for public testimony at 9:01 p.m.

Glenn Pratt, citizen, stated that he has been involved in Combined Sewer Overflow issues for many years, and he supports Proposal Nos. 159 and 160, 2002 and believes they are a step forward for the City.

Councillor Coughenour moved, seconded by Councillor Moriarty Adams, for adoption. Proposal Nos. 159, 160, 161, and 157, 2002 were adopted on the following roll call vote; viz:

25 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Knox, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Smith, Soards, Talley, Tilford

0 NAYS:

2 NOT VOTING: Horseman, SerVaas

2 ABSENT: Langsford, Short

Proposal No. 159, 2002 was retitled FISCAL ORDINANCE NO. 35, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 35, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating an additional Eight Million Three Hundred Twenty Thousand Dollars (\$8,320,000) in the Sanitation Liquid Waste Fund for purposes of the Department of Public Works, Operations Division, and reducing the unappropriated and unencumbered balance in the Sanitation Liquid Waste Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(j) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of the Department of Public Works, Operations Division, to fund Real Time Control early action combined sewer overflow (CSO) projects.

SECTION 2. The sum of Eight Million Three Hundred Twenty Thousand Dollars (\$8,320,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

DEPARTMENT OF PUBLIC WORKS

ENGINEERING DIVISION

4. Capital Outlay

TOTAL INCREASE

SANITATION LIQUID WASTE FUND

8,320,000

8,320,000

SECTION 4. The said additional appropriation is funded by the following reductions:

SANITATION LIQUID WASTE FUND

Unappropriated and Unencumbered

Sanitation Liquid Waste Fund

TOTAL DECREASE

8,320,000

8,320,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 160, 2002 was retitled FISCAL ORDINANCE NO. 36, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 36, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating Two Hundred Thirty-two Thousand Eight Hundred Ninety-one Dollars (\$232,891) in the Federal Grants Fund for purposes of the Department of Public Works, Engineering Division, and reducing the unappropriated and unencumbered balance in the Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures; the necessity for which has arisen since the adoption of the annual budget, Section 1.01(l) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Engineering Division, to provide for further pollution control efforts on the West Fork of the White River, Fall Creek, and Pleasant Run.

SECTION 2. The sum of Two Hundred Thirty-two Thousand Eight Hundred Ninety-one Dollars (\$232,891) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u>	<u>FEDERAL GRANTS FUND</u>
<u>ENGINEERING DIVISION</u>	
3. Other Services and Charges	<u>232,891</u>
TOTAL INCREASE	232,891

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>232,891</u>
TOTAL REDUCTION	232,891

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the capital project described in section 1 above.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 161, 2002 was retitled FISCAL ORDINANCE NO. 37, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 37, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating Two Million Five Hundred Thousand Dollars (\$2,500,000) in the Solid Waste Disposal Fund for purposes of the Department of Public Works, Engineering Division, and reducing the unappropriated and unencumbered balance in the Solid Waste Disposal Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures, the necessity for which has arisen since the adoption of the annual budget, Section 1.01(j) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Engineering Division, to restore the stream bank along the White River near the former Tibbs Avenue and Banta Road landfill.

April 29, 2002

SECTION 2. The sum of Two Million Five Hundred Thousand Dollars (\$2,500,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u>	
<u>ENGINEERING DIVISION</u>	<u>SOLID WASTE DISPOSAL FUND</u>
3. Other Services and Charges	2,500,000
TOTAL INCREASE	2,500,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>SOLID WASTE DISPOSAL FUND</u>
Unappropriated and Unencumbered	
Solid Waste Disposal Fund	2,500,000
TOTAL REDUCTION	2,500,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 157, 2002 was retitled FISCAL ORDINANCE NO. 38, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 38, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) transferring and appropriating an additional Sixty Thousand Dollars (\$60,000) in the Sanitation Liquid Waste Fund for purposes of the Department of Public Works, Policy and Planning Division, and reducing certain other appropriations for that division.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(j) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for the purpose of the Department of Public Works, Policy and Planning Division, to purchase hardware associated with a network upgrade to the Belmont facility.

SECTION 2. The sum of Sixty Thousand Dollars (\$60,000) be, and the same is hereby, transferred for the purposes as shown in Section 3 by decreasing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u>	
<u>POLICY AND PLANNING DIVISION</u>	<u>SANITATION LIQUID WASTE FUND</u>
4. Capital Outlay	60,000
TOTAL INCREASE	60,000

SECTION 4. The said additional appropriation is funded by the following reductions:

<u>DEPARTMENT OF PUBLIC WORKS</u>	
<u>POLICY AND PLANNING DIVISION</u>	<u>SANITATION LIQUID WASTE FUND</u>
3. Other Services and Charges	60,000
TOTAL DECREASE	60,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 700, 2001. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 700, 2001 on March 20 and April 10, 2002. The proposal, sponsored by Councillors Dowden, Gray, and Langsford, amends the Revised Code concerning

Chapter 591, Fire Prevention and Protection. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Gray recognized the members of the Indianapolis Fire Department who worked on this project. Councillor Dowden also recognized former Councillor W. Tobin McClamroch, who helped facilitate the revisions.

Councillor Dowden moved, seconded by Councillor Gray, for adoption. Proposal No. 700, 2001, as amended, was adopted on the following roll call vote; viz:

24 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Knox, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Talley, Tilford

0 NAYS:

3 NOT VOTING: Gibson, Gray, Horseman

2 ABSENT: Langsford, Short

Proposal No. 700, 2001, as amended, was retitled GENERAL ORDINANCE NO. 43, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 43, 2002

PROPOSAL FOR A GENERAL ORDINANCE to replace Chapter 591 of the "Revised Code of the Consolidated City and County," regarding fire prevention and protection, with a new chapter approved by the Indiana Fire Prevention and Building Safety Commission as provided in IC 22-13-2-5.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Chapter 591 of the "Revised Code of the Consolidated City and County," regarding fire prevention and protection, hereby is REPEALED.

SECTION 2. The "Revised Code of the Consolidated City and County" hereby is amended by the addition of a NEW Chapter 591, regarding fire prevention and protection, in the following words and figures:

Chapter 591

FIRE PREVENTION AND PROTECTION

ARTICLE I. IN GENERAL

Sec. 591-101. Title; purpose.

(a) This chapter shall be known as the "Indianapolis-Marion County Fire Protection Code."

(b) The purpose of this chapter is to prescribe regulations consistent with nationally recognized standards for the protection of life, environment, and property from the hazards of fire and explosion, from the hazards arising from the storage, handling and use of hazardous materials, from conditions hazardous to life or property in the use or occupancy of new or existing buildings and premises, and to establish appropriate administrative procedures for the enforcement of this chapter.

Sec. 591-102. Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them in this section.

Class 1 structure means buildings and structures as defined in the Indiana Administrative Code 675 IAC 12-6.

Class 2 structure means buildings and structures as defined in the Indiana Administrative Code 675 IAC 12-6.

Fire department means the Indianapolis Fire Department and the township fire departments that render fire prevention or protection services to each township in Marion County that are not completely within the boundaries of the Indianapolis Fire Special Service District.

Fire prevention bureau means the fire prevention bureau established by this chapter for the Indianapolis Fire Department or of a township fire department located within the county.

Fire prevention chief means the administrative head of a fire prevention bureau appointed pursuant to Section 591-202 or 591-203 of this Code.

Hazardous condition means the presence of a structural condition, equipment, utility connection, materials which constitutes or poses a recognized threat of fire or other injury to persons or property.

Private dwelling means a building used exclusively as the personal residence of one or two families.

Sec. 591-103. Applicability.

(a) The provisions of this chapter shall be supplemental to the Indiana Fire Code, as adopted by the Indiana Fire Prevention and Building Safety Commission.

(b) The provisions of this chapter shall apply to maintenance of fire prevention and life safety features as herein described.

(c) When any provision of this chapter is found to be in conflict with any building, zoning, safety, health, or other applicable law or ordinance of the city or county existing on the effective date of this chapter, the provision which establishes the higher standard for the promotion and protection of the safety and welfare of the public shall prevail.

(d) The provisions of this chapter shall apply to existing conditions; as well as to the conditions arising after the adoption thereof. Buildings, systems, uses, processes, and equipment in existence on the effective date of this chapter shall be permitted to continue so long as they are maintained in a condition that is equivalent to the quality and fire resistive characteristics that existed when the building was constructed, altered, added to or repaired.

Sec. 591-104. Minimum standards.

(a) All fire safety rules of the Indiana Fire Prevention and Building Safety Commission as set out in Article 22 of Title 675 of the Indiana Administrative Code applicable to Marion County are hereby incorporated in this chapter, and shall include later amendments to that article as the same are published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed therein.

(b) Any special processes or procedures not addressed in 675 IAC 22 or 591-105(a) shall be subject to applications found in fire safety standards recognized by 675 IAC 22 Section 9001, 591-105(a) and the jurisdictional fire chief.

(c) Any special processes or procedures not addressed in 591-105(a) or 591-105(b) shall be subject to applications found in the current editions of the National Fire Protection Association standards or other recognized fire safety standards, subject to the rules of the Indiana Fire Prevention and Building Safety Commission.

(d) A current copy of these standards shall be available in the office of each fire prevention bureau for inquiry and review by the public during normal business hours.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. ORGANIZATION

Sec. 591-201. Fire prevention bureaus established; jurisdiction.

(a) As authorized by IC 36-8-17, there is hereby established a local fire prevention bureau within the Indianapolis Fire Department and within each township located within the county that is not completely within the boundaries of the Indianapolis Fire Special Service District.

(b) The jurisdiction of the various fire prevention bureaus shall be as follows:

- (1) The fire prevention bureau established within the Indianapolis Fire Department shall have jurisdiction within the Indianapolis Fire Special Service District; and,
- (2) Each township fire prevention bureau shall have jurisdiction within the portion of that township which is outside the boundaries of the Indianapolis Fire Special Service District and other municipalities having a municipal fire department.

Sec. 591-202. Organization of the Indianapolis Fire Prevention Bureau.

The fire prevention bureau of the Indianapolis Fire Department shall be under the supervision of the fire prevention chief appointed pursuant to the applicable personnel rules of the fire department. The jurisdiction of the bureau shall be within the fire special services district.

Sec. 591-203. Organization of the township fire prevention bureaus.

(a) The local fire prevention bureau established in each township pursuant to Section 591-201 shall be operated under the executive control of the township trustee and the administrative supervision of the township fire chief.

(b) The fire prevention bureau of each township fire department shall be under the supervision of the fire prevention chief appointed pursuant to the applicable personnel rules of the fire department. The jurisdiction of the bureau shall be within each respective township fire service area.

DIVISION 2. INSPECTIONS AND INVESTIGATIONS

Sec. 591-221. Right to enter buildings and premises.

(a) Pursuant to IC 36-8-17, authorized personnel of each fire department or bureau may, at all reasonable hours, enter any structure (except private dwellings) within its jurisdiction for the purpose of conducting inspections or investigations pursuant to this chapter. The right to enter shall extend to new structures under construction as well as to existing structures being renovated or remodeled.

(b) An inspector or investigator may be required by the owner or occupant to produce satisfactory proof of his authority or identity.

(c) If an inspector or investigator is denied access, the fire prevention chief may apply to a court of competent jurisdiction for an order allowing inspection or investigation.

Sec. 591-222. Fire inspections.

(a) Each fire department shall perform inspections under the administrative supervision of the fire chief pursuant to IC 36-8-17.

(b) Each fire department may, as often as may be reasonably necessary:

- (1) Inspect every place and public way, except the interiors of private dwellings; and,
- (2) Inspect, upon receipt of a complaint, any building or premises, except interiors of private dwellings.

Sec. 591-223. Fire investigations.

(a) Each fire department shall perform fire investigations under the administrative supervision of the fire chief pursuant to IC 36-8-17.

(b) Each fire department shall investigate, assist in the prosecution of, and support suppression of arson and other crimes associated with the destruction or attempted destruction of property by fire in their respective jurisdiction, shall take immediate charge of the physical evidence, notify any other authorities designated by law to assist in the investigation of such matters, and cooperate with such other authorities in the prosecution of the case. Reports prepared pursuant to this section shall be in the form prescribed by the chief of the division and shall contain a statement of all facts relating to the cause, origin and circumstances of the fire, the extent of damage, the approximate loss, the amount of insurance upon the property, and any other appropriate information concerning the fire.

Sec. 591-224. Records and reports.

(a) Each fire department shall keep a record of all fires and the facts concerning them, including statistics as to the extent of fires and the losses sustained. Such reports shall be prepared into an annual summary and submitted to the jurisdictional fire chief. The annual summary, together with recommendations for change, shall be submitted, when requested, to the director of the department of public safety or appropriate township trustee.

(b) The fire department shall maintain files containing reports of all properties that have been inspected, all orders issued, of all complaints and fires investigated, and the location of all buildings containing hazardous occupancies.

DIVISION 3. ENFORCEMENT RESPONSIBILITY

Sec. 591-231. Enforcement.

(a) It shall be the responsibility of each fire department to enforce all provisions of this chapter within its jurisdiction.

(b) A fire department shall have such other powers and duties as may be conferred from time to time by law or ordinance.

Sec. 591-232. Legal assistance.

A bureau may obtain the services of the office of corporation counsel for legal assistance in connection with the enforcement of this chapter.

Sec. 591-233. Law enforcement assistance.

The chief of the Indianapolis police department or the county sheriff may, upon request of the chief of the appropriate fire department or bureau, assign such available law enforcement officers as may be necessary to assist the appropriate department or bureau in the enforcement of this chapter.

Sec. 591-234. Concurrent jurisdiction with the department of metropolitan development, and the city controller.

(a) Each bureau shall have concurrent jurisdiction with the department of metropolitan development for the enforcement of any other violation of this chapter in which:

- (1) The bureau has actual knowledge of such a violation; and,
- (2) Such violation creates an immediate fire hazard, which endangers life, property or the public safety.

(b) Each bureau shall, at the request of the city controller, assist in the administration and enforcement of all provisions of this chapter relating to licenses and permits as set forth in section 801-201 of this Code.

Sec. 591-235. Coordinated enforcement.

Whenever it shall be the responsibility of more than one (1) official to enforce the provisions of this chapter, it shall be the duty of the enforcement officials to coordinate their inspections and administrative orders so far as is possible, so that the owners and occupants of the buildings shall not be subjected to numerous inspections, nor to multiple or conflicting orders.

DIVISION 4. ENFORCEMENT PROCEDURES

Sec. 591-241. Notice of violations.

Under IC 36-8-17-9, the enforcement of 675 IAC 22, this chapter, or any other provision of this Code, which is within the jurisdiction of each fire department, the fire prevention bureau may seek the correction of any violation or the elimination of any hazardous condition, by the methods specified in this division or by any other appropriate remedy or procedure provided by law.

Sec. 591-242. Determination of violation.

Whenever a duly authorized inspector or investigator for a local fire prevention bureau determines by inspection that a violation of this Code or a hazardous condition exists upon any premise within the bureau's jurisdiction, the person making such determination shall issue such orders as may be necessary for the enforcement of the fire safety laws and ordinances governing the same and for safeguarding of life, environment and property from fire and explosion.

Sec. 591-243. Conveyance of inspection report.

A copy of the inspection report with violations and safety recommendations shall be served upon the owner, operator, occupant or other person responsible for the building or property. Service of such report shall be by personal service, or by affixing a copy thereof in a conspicuous place at the entrance of said building or premises and by mailing a copy thereof to the owner or occupant by first class mail to the owner's or occupant's last known address pursuant to IC 4-21.5-3.

Sec. 591-244. Imminent danger.

The fire prevention chief may order the operation or use stopped, or the evacuation, of any premises, building or vehicle or portion thereof under IC 36-8-17-9 when it is determined that conduct or conditions of the property:

- (1) Present a clear and immediate hazard of death or serious bodily injury to any person other than a trespasser;
- (2) Are prohibited without a permit, registration, certification, release, authorization, variance, exemption, or other license required under IC 22-14 or another statute administered by the department of fire and building services and the license has not been issued; or,
- (3) Will conceal a violation of law.

Sec. 591-245. Duty to correct violations.

In the event of imminent danger as defined in Sec. 591-244 above, the owner or person in control of any premises or building upon which a violation or hazard exists shall:

- (1) Cease and correct the violation; or
- (2) Protect persons and property from the hazards of the violation and correct the violation; or,
- (3) Require persons to leave the area that is affected by a violation and prohibit persons from entering the area until the violation is corrected.

Sec. 591-246. Variances.

(a) An owner or occupant requesting a variance from state adopted fire and building laws as set forth by IC 22-13-2-11 shall apply for such with the Indiana Fire Prevention and Building Safety Commission in accordance with the 675 IAC 12-5.

(b) An owner or occupant requesting a variance from the provisions of this Chapter that are not part of the state adopted fire and building laws as set forth by IC 22-13-2-11 shall apply in writing to the applicable fire prevention chief. The granting of a variance shall be considered only upon the written application of the owner of the property, stating that:

- (1) Practical difficulties have been encountered in the implementation of specific requirements of this chapter;
- (2) Compliance with specific requirements of this chapter will cause unnecessary hardship to the owner; and
- (3) The owner desires to take advantage of new methods or equipment which are recognized as adequate for the purpose for which they are to be substituted.

(c) A variance may be granted only if the fire prevention chief determines in writing that: (1) the requested use or modification will conform with fundamental requirements for safety; and (2) the granting of

the variance does not increase the risk of fire or danger to the public. A copy of any variance granted shall be retained by the bureau.

(d) A variance shall be enforced in the same manner as an order issued under section 591-242 of this chapter.

(e) Whenever a bureau learns that an owner is in violation of the terms of a variance issued pursuant to this section, the fire prevention chief may order compliance as provided in Sec. 591-247 with the variance or with this Code.

Sec. 591-247. Orders to correct violations.

(a) If an owner or occupant fails to comply with an inspection report issued pursuant to Section 591-242 of this Code or a variance issued pursuant to Section 591-246 of this Code, the fire prevention bureau may issue an order to compel compliance with the provisions of this chapter.

(b) The failure of any fire prevention bureau to inspect or to issue an order in accordance with this chapter shall not constitute approval of any violation or noncompliance with the provisions of this chapter.

(c) Any order issued pursuant to this section shall be served upon the owner, operator, occupant or other person responsible for the building or property. Service of such order shall be by personal service, or by affixing a copy thereof in a conspicuous place at the entrance of said building or premises and by mailing a copy thereof to the owner or occupant by first class mail to the owner's or occupant's last known address pursuant to IC 4-21.5-3.

Sec. 591-248. Order forbidding occupancy.

(a) The fire chief or his authorized representative is empowered to issue an order forbidding the occupancy of any structure or part of any structure, in accordance with IC 36-8-17-9.

(b) The fire chief or his authorized representative, is empowered to issue an order forbidding continued construction of a building or structure when the building, structure or property under development is in violation of state or local fire prevention codes and continued work will:

- (1) Conceal a violation of law;
- (2) Be inaccessible to servicing fire department apparatus; or,
- (3) Provide insufficient water supply as required by this Code.

(c) The order forbidding occupancy or continued construction shall be in writing, specifying whether it is applicable to the entire structure, part of structure, or the property under development. The order shall state the reason for issuance and the conditions under which the structure, part of structure or property may be occupied or construction continued. The order shall be posted on the structure in a conspicuous location and if conveniently possible, shall be given to the owner of the property or his agent and to any other responsible person supervising work on the premises.

Sec. 591-249. Appeal from orders.

An owner or occupant who remains aggrieved by the decision issued pursuant to this chapter and the matter involves a rule of the Indiana Fire Prevention and Building Safety Commission, may appeal to such Commission as set forth by IC 36-8-17.

Sec. 591-250. Remedies.

Any person who shall violate any provision of this chapter or who shall fail to comply with any order issued under this chapter, or who shall fail to comply with or to obtain any permit required hereunder, shall be subject to the penalties prescribed in Section 103-3 of this Code. After each ten (10) days a violation continues, it shall constitute an additional violation, provided however that the penalty for any violation shall not exceed two thousand five hundred dollars (\$2,500.00).

ARTICLE III. EMERGENCY OPERATIONS

DIVISION 1. EMERGENCY SERVICES

Sec. 591-301. Authority at fires and emergencies.

The fire chief, or his designated representative, at any fire, explosion, or other emergency which poses imminent threat to life, environment, or property, shall have the authority to direct operations as may be necessary to control, extinguish, perform special operations, and investigate the existence of hazardous conditions in connection with such fire, explosion, or other emergency, or to take other action reasonably necessary to contain, mitigate, or eliminate the emergency.

Sec. 591-302. Emergency lines and limits.

(a) The fire chief, the incident commander, or any law enforcement officer may establish emergency lines and limits and barricade or guard from the general public such emergency lines and limits. The fire chief, the incident commander, or law enforcement officer may create an area in which only firefighters, law enforcement officers and those having a direct interest in any property threatened by the fire, explosion, or other emergency, or other people or agencies at the discretion of the incident commander shall be admitted.

(b) It shall be unlawful for any unauthorized person to cross such emergency lines or limits.

DIVISION 2. SUPPLEMENTAL EMERGENCY DEVICES

Sec. 591-321. Unlawful interference with fire protection equipment, barriers, devices, signs and seals.

It shall be unlawful for a person to do or permit to be done any of the following acts:

- (1) Key box access and fire equipment keys. To make or cause or permit to be made or have in his or her possession any key for any key box emergency access system, fire department equipment, house or building used by the fire department, except upon the written order of the fire chief, or to fail or refuse to surrender possession of any such key upon demand of the fire chief;
- (2) Tampering with fire protection system. To tamper, molest, destroy or remove or in any manner interfere with, damage or disturb any part of the fire protection system, apparatus, equipment or devices in use in the county;
- (3) Injuring fire hose. To drive any motor vehicle or railroad locomotive over any fire hose laid in any street in the vicinity of any fire or while in use for any other purpose, or in any other way interfere with the use of such hose; or,
- (4) Opening fire hydrants. To use or operate any public or private hydrants or valves connected to a water system intended for fire suppression purposes without written permission from the water utility or the servicing fire department. Notwithstanding the provisions of this subsection, employees of the water utility who are authorized, members of the servicing fire department, owners of private fire hydrants, and members of a duly recognized facility fire brigade may operate hydrants and valves as part of their assigned duties,

ARTICLE IV. GENERAL REQUIREMENTS FOR FIRE SAFETY OF BUILDINGS

DIVISION 1. FIRE PROTECTION EQUIPMENT

Sec. 591-401. Plans for fire protection systems.

In the event a set of plans and specifications for fire protection systems, including fire alarm systems, automatic sprinkler systems, standpipe systems, and other special types of fire extinguishing or detecting systems and appurtenances thereto is created, then such documents shall be submitted to the servicing fire department for information purposes.

Sec. 591-402. Portable fire extinguishers; where required.

(a) Except for private dwellings, portable fire extinguishers shall be installed and maintained in all occupancies built and placed in service after January 1, 2002, as set forth in N.F.P.A. Standard No. 10, currently adopted by the Indiana Fire Prevention and Building Safety Commission.

(b) Notwithstanding other provisions of this chapter, portable fire extinguisher equipment required for Class 1 residential apartment buildings shall be as follows:

- (1) a minimum 2-A, 10BC rated dry chemical extinguisher shall be placed at intervals of seventy-five (75) feet travel distance on each floor level in all common areas of all apartments. The requirements of this paragraph are satisfied if each individual apartment shall have a minimum 1-A, 10BC rated dry chemical extinguisher installed in the unit; and
- (2) Each laundry room and storage area shall have a minimum 2-A, 10BC rated dry chemical extinguisher. Each clubhouse and maintenance building or room shall have a minimum 2-A, 10BC rated dry chemical extinguisher placed at intervals of seventy-five (75) feet travel distance. Notwithstanding the provisions of this subsection, laundry rooms and storage areas contiguous to the common corridors which have proper extinguishers placed at intervals of seventy-five (75) feet travel distance are exempt from this subparagraph.

Sec. 591-403. Servicing of portable fire extinguishers.

(a) Portable fire extinguishers which are required by Section 591-402 shall be serviced and maintained as set forth in 675 IAC 22-2.2-3 and the most current edition of N.F.P.A. Standard No. 10.

Sec. 591-404. Requirements for commercial kitchen exhaust equipment and fire protection equipment.

Any new installation of kitchen fire suppression equipment shall be inspected by the fire prevention bureau having jurisdiction prior to the kitchen cooking equipment being placed in-service. The installing company shall:

- (1) Use installers that are certified by the manufacturer;
- (2) Notify the fire prevention bureau at least twenty-four (24) hours in advance of the system being completed for system testing; and,
- (3) File with the fire prevention bureau a form stating that the system has been inspected, signed by both the fire prevention inspector and the installation company's representative. This form is to be kept on file in the fire prevention bureau.

Sec. 591-405. Required water supply for fire protection.

(a) All Class 1 structures or portions of Class 1 structures hereafter constructed shall be provided with a water supply capable of providing the required fire flow, for fire-fighting purposes for a minimum period of two (2) hours. The water supply shall be from a source as set forth in section 903.2 of 675 IAC 22.

(b) In setting the requirements for fire flow, the fire prevention chief shall use 675 IAC 22, Table A-111-A-1 as a guide. Notwithstanding the provisions of this subsection, a reduction in required fire flow of seventy-five (75) percent is allowed when the building is provided with an approved automatic sprinkler system. The resulting fire flow shall not be less than 1,000 gpm at 20 psi residual.

(c) An owner or occupant who seeks a variance from an order issued under this Sec. 591-405 may file a variance with the Indiana Fire Prevention and Building Safety Commission as set forth in IC 36-8-17.

Sec. 591-406. Fire hydrants.

(a) All private fire hydrants and water mains shall be installed and maintained as set forth in the 1995 edition of N.F.P.A. Standard No. 24. The fire prevention chief in determining location and spacing of hydrants shall use 675 IAC 22, appendix 111-B as a guide.

(b) The proposed location of private fire hydrants to supply the required fire flow shall be approved by the servicing fire department prior to construction of any Class 1 building.

(c) Whenever the provisions of this chapter require the installation of a fire hydrant, whether on public or private property, such hydrant shall meet the following specifications:

- (1) It shall be equipped with a five-and-one-quarter-inch main valve opening;

- (2) It shall be constructed with two (2) two-and-one-half-inch hose nozzles, with seven-and-one-half (7&1/2) national standard threads per inch;
- (3) It shall be equipped with one (1) four-and-one-half-inch steamer nozzle with six (6) "v" threads per inch;
- (4) It shall be constructed to be opened by turning clockwise a national standard pentagon operating nut;
- (5) The source of water supply shall be buried a minimum of five (5) feet below the ground level at the hydrant; and,
- (6) The hydrant shall be constructed with a break-off feature to prevent the hydrant from leaking when damaged by collision.
- (d) Nonfunctional hydrants shall not be located within twenty (20) feet of any waterline easement.
- (e) All privately owned fire hydrants shall be painted red or yellow.
- (f) Only approved hydrant wrenches shall be used to open or close a fire hydrant.

Sec. 591-407. Marking of fire protection equipment, fire hydrants, and access roads.

- (a) Fire-protection equipment and fire hydrants shall be clearly identified in a manner approved by the servicing fire department to prevent obstruction by parking and other obstructions.
- (b) Fire access roads shall be identified as fire lanes and the provisions set forth in Section 621-502 of this Code shall apply.

Sec. 591-408. Smoke and heat removal equipment.

- (a) When smoke and heat removal equipment are required in buildings hereafter constructed, they shall be installed as set forth in the 675 IAC 22 and 675 IAC 13.
- (b) Prior to the installation of any engineered mechanical smoke removal system, the fire control panel shall be of a design and at a location approved by the servicing fire department.

Sec. 591-409. Fire protection in recreational vehicle, mobile home and manufactured housing parks, sale and storage lots.

Recreational vehicle, mobile home and manufactured housing parks, sales lots and storage lots, hereafter constructed or added to, shall provide and maintain fire hydrants and access roads in accordance with 675 IAC 22, sections 902 and 903.

DIVISION 2. SMOKE DETECTORS

Sec. 591-421. Dwellings - smoke detector requirements.

- (a) A smoke detector shall be defined for the purposes of this section as a device, which detects visible or invisible products of combustion.
- (b) Each smoke detector shall detect abnormal quantities of smoke that can occur in a dwelling, shall properly operate in the normal environmental conditions of a household, and shall be in compliance with ANSI/UL 268-standard for safety smoke detectors for fire protective signaling systems, or ANSI/UL 217-standard for safety single and multiple station smoke detectors.
- (c) All dwelling units within the county shall be equipped with a minimum of one (1) functional, properly located, labeled and listed smoke detector as described in N.F.P.A. Standard No. 72. Smoke detectors shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms and on each additional story of the family living unit, including basements and excluding crawl spaces and unfinished attics. Family living units with one or more split-levels where there is an intervening door between one level and the adjacent lower level, a smoke detector shall be installed on the lower level. In new construction, a smoke detector also shall be installed in each sleeping room, where more than one smoke detector is required; detectors shall be arranged so that operation of any smoke detector causes the alarm in all smoke detectors within the dwelling to sound.

(d) All equipment shall be installed in accordance with the manufacturer's installation requirements and recommendations. If the method of installation is not specified by the manufacturer, the smoke detector shall be installed on the ceiling at least 4 inches from the wall or on a wall with the top of the detector not less than 4 inches nor more than 12 inches below the ceiling. Smoke detectors in rooms with ceiling slopes greater than 1 foot in 8 feet horizontally shall be located at the high side of the room.

(e) Smoke detectors required by 676 IAC 13 or 675 IAC 14 shall have power supply as specified by the respective code. All other residential smoke detectors may be powered by an AC power source or a battery. If the detector is solely AC powered and the manufacturer does not supply installation specifications, it shall be directly attached to a junction box with power supplied either from a dedicated branch circuit or the unswitched portion of a branch circuit also used for power and lighting, such installation shall be in accordance with 675 IAC 17.

(f) Where smoke alarms exist in dwelling units, the warranty for the alarm shall be with the manufacturer.

(g) It shall be unlawful for any person to tamper with or remove any smoke detector, except when it is necessary for maintenance or inspection purposes. Any smoke detector removed for repair, replacement or local remodeling shall be reinstalled or replaced so that it is in place and operable.

(1) Rental dwelling units. Each owner or manager or rental agent of the owner is responsible for the installation of required smoke detectors and the repair or replacement of a required smoke detector within two (2) business days after the owner, manager or rental agent is given written notification of the need to repair or replace the smoke detector. Residents shall inspect and test the smoke detectors in accordance with manufacturer's instructions at least monthly.

(2) Owner dwelling units. Each owner is responsible for the installation of required smoke detectors and the repair or replacement of a required smoke detector within two (2) business days of finding it inoperable. An owner shall inspect and test the smoke detectors for power in accordance with manufacturer's instructions at least monthly.

(h) A person, company, or corporation violating IC 22-11-18-3, IC 22-11-18-3-5 and provisions of this article shall be subject to penalties as specified in IC 22-11-18-5 and Section 103-3 of this Code. Each day such violation is permitted to continue may be deemed to constitute a separate offense, provided however the aggregate penalty for any violation shall not exceed two thousand five hundred dollars (\$2,500.00).

DIVISION 3. MEANS OF EGRESS

Sec. 591-431. Means of egress illumination and signs.

(a) Means of egress illumination shall be provided and maintained in accordance with the 676 IAC 13. Means of egress shall be illuminated and exit signs shall be maintained when the building or structure is occupied.

(b) Any replacement of exit signs in existing buildings or structures or installation of additional exit signs shall meet the requirements of 675 IAC 13.

(c) Equipment providing emergency power for means of egress illumination and exit signs shall be maintained in an operable condition.

Sec. 591-432. Exit door, stairway and elevator signs.

(a) Exit doors shall be readily distinguishable from adjacent construction and shall be easily recognizable as an exit door. Exit doors shall be as set forth in 675 IAC 13.

(b) Stairway identification signs shall be located at each floor level in all buildings as set forth in 675 IAC 13.

(c) Instructions for operation of elevators under fire and other emergency conditions shall be as set forth in the Indiana Elevator Safety Code (675 IAC 21).

Sec. 591-433. Obstruction of the means of egress.

(a) Obstructions, including storage, shall not be placed in the required width of a means of egress, except projections as allowed by the 675 IAC 13. Means of egress shall not be obstructed in any manner and

shall remain free of any material or matter where its presence would obstruct or render the means of egress hazardous.

(b) Any member of a police or fire department who shall discover any fire escape or means of egress encumbered or obstructed in any manner shall report such condition to the appropriate fire prevention bureau and the bureau shall immediately notify the owner or occupant to remove such encumbrance or obstacle.

Sec. 591-434. Inspection of fire escapes.

Exterior fire escapes shall comply with the requirements as set forth in 675 IAC 22. Certification by a professional engineer licensed in the State of Indiana to show compliance with this section shall be filed with the Fire Prevention Bureau upon order of the Fire Prevention Chief having jurisdiction over the premises.

ARTICLE V. MISCELLANEOUS PROVISIONS

Sec. 591-501. Smoking.

(a) As used in this article, smoke and smoking mean and include the carrying of a lighted pipe, cigar, cigarette or tobacco in any form.

(b) No person shall smoke or carry a lighted match or lighter at such locations in the following places:

- (1) Public assemblies;
- (2) Educational occupancies;
- (3) Institutional occupancies;
- (4) Retail selling establishments; and,
- (5) Buildings, except residential occupancies, which contain explosives or combustible materials, any of which would be thereby exposed to ignition;

which the fire prevention chief designates as a "no smoking area" because of the fire dangers which the smoking could cause. Provided, however, the owner of the above-enumerated places may designate rest rooms, smoking rooms or other areas where smoking is permissible if such smoking room or area has been approved by the fire prevention chief.

(c) No person shall smoke in any elevator.

(d) The owner or occupant shall post approved "no smoking" signs in each building, structure, room or place in which smoking is prohibited. Signs shall be conspicuously and suitably located and shall be maintained. However, this subsection does not apply to buildings or structures which are smoke-free environments and are posted as such at all public and employee entrances, and where no visible evidence of prohibited smoking exists within the building or structure.

(e) No person shall remove any legally required "NO SMOKING" sign, or smoke in any areas where such signs are posted.

Sec. 591-502. Underground storage tanks; notification.

Any person who supervises, manages, or directs the installation, retrofitting, removal or closure of underground storage tanks shall notify the appropriate fire prevention bureau fourteen (14) days prior to commencement of work; however, this requirement shall not apply in emergency repair work where fourteen (14) day notification is not possible.

ARTICLE VI. PERMITS

DIVISION 1. PYROTECHNICS DISPLAYS

Sec. 591-601. Certificate of insurance required.

(a) Fireworks and the temporary storage, use, handling of pyrotechnic special effects material used in motion pictures, television, and theatrical and group entertainment productions shall be in accordance with IC 22-11-14 and 675 IAC 22, Article 78.

(b) A certificate of insurance conditioned for the payment of all damages which may be caused either to a person or persons in an amount of not less than one hundred thousand dollars (\$100,000.00) and to property in an amount of not less than one hundred thousand dollars (\$100,000.00), be reason of the licensed display, arising from any acts of the licensee, his agents, employees or subcontractors.

DIVISION 2. HALLOWEEN AMUSEMENTS

Sec. 591-621. Halloween amusements defined.

As used in this division, Halloween amusement means haunted house, house of horrors, or any other activity in which persons are invited, guided, escorted, or otherwise transported through a building or structure or portion of a building or structure, temporary or permanent, for the purposes of entertainment or amusement during the month of October.

Sec. 591-622. Required; permit application; permit and fees.

(a) No person shall operate a Halloween amusement without first obtaining a permit from the appropriate fire prevention bureau.

(b) An application for a Halloween amusement permit shall be obtained from the appropriate fire prevention bureau and shall contain the following information.

- (1) The name of the organization sponsoring the amusement;
- (2) The name of person(s) in charge of the amusement operations; and
- (3) The period of time (dates and hours) in, which the amusement will be operated.

(c) The fee for each permit issued pursuant to this division shall be twenty-five dollars (\$25.00) payable to the appropriate fire prevention bureau.

Sec. 591-623. Amusement inspections.

(a) The authorized representative of the fire prevention bureau shall inspect the building or structure and the halloween amusement as often as may be reasonably necessary for compliance with applicable fire and life safety requirements for its intended occupancy.

(b) Such inspections shall occur at the start of amusement construction, at permit issuance and during permit period.

Sec. 591-624. Permit issuance and transferability.

(a) A Halloween amusement permit shall be issued only after the appropriate fire prevention bureau has had an opportunity to inspect the subject premises, and has found that the building or structure and amusement conforms with all applicable fire and life safety requirements as set forth in 675 IAC 22 and this Code.

(b) A permit issued pursuant to this division shall not be transferable, and any change in use or occupancy of premises shall require a new permit.

Sec. 591-625. Appeal from denial of permit.

When the appropriate fire prevention bureau shall reject or refuse to grant a permit required by this division, or when it is claimed that provisions of this division or any other provision of this Code relating thereto do not apply, the person may appeal from the decision in writing as set forth in Section 591-249 of this Code.

Sec. 591-626. Permit period.

Each permit granted under the provisions of this division shall be for such period as indicated on the permit and permit application; however, any such permit shall expire on November first of the year in which it is issued.

Sec. 591-627. Display of permit required.

A permit issued pursuant to this division shall at all times be in a conspicuous place on the premises designated in the permit and shall at all times be subject to inspection by anyone duly authorized by the fire or police department.

SECTION 3. Chapter 252 of the "Revised Code of the Consolidated City and County" be, and is hereby, amended by adding a new Sec. 252-109, to read as follows:

Sec. 252-109. Fire protection by the Indianapolis Fire Department outside the Fire Special Service District.

The Indianapolis Fire Department may provide fire protection or services outside the boundaries of the Fire Special Service District, only under the following circumstances and upon the following conditions:

- (1) If the chief of the Indianapolis Fire Department or the director of the Department of Public Safety enters into any contract or mutual agreement or understanding with the ranking fire officer of any existing municipal or volunteer fire department or with the chief executive officer of any unit of government which maintains or finances an established fire department, wherein the agreement provides for the mutual assistance between the Indianapolis Fire Department and the other fire department such that the ranking officer of the respective fire departments may request, when necessary, the assistance without charge to the assisted department. The Indianapolis Fire Department is authorized to render such assistance as is requested by the ranking officer on duty with the respective department so long as the rendering of such assistance shall not endanger the citizens of the Fire Special Service District or threaten the ability of the Indianapolis Fire Department to render services within the Fire Special Service District.
- (2) The Department of Public Safety of the City, upon approval of the Mayor, may enter into a contract with any person, municipality, or other governmental unit which is situated at a place not within the Fire Special Service District but within the county and which is desirous of contracting with the City for regular fire protection involving the use and services of the Indianapolis Fire Department. The details of such contract shall be specified by the Department of Public Safety, but each contract must provide that the City furnish on a calendar-year basis so much firefighting service and apparatus as may be reasonably necessary on the request of the contracting person, municipality or other governmental unit when a fire exists at the premises of such person or within the boundaries of the municipality or governmental unit, but that obligation to render such services shall not exist at any time that the same would endanger or threaten the services of the Indianapolis Fire Department to the citizens of the Fire Special Service District. The contract shall also provide for a negotiated rate or fees payable as required by the Department of Public Safety for the rendering of such services and may provide for additional charges based on the actual services and apparatus used in the performance of such agreement.

SECTION 4. Chapter 811 of the "Revised Code of the Consolidated City and County" be, and is hereby, amended by adding a new Article VI, to read as follows:

ARTICLE VI. FIRE REPORTING SYSTEMS

Sec. 811-701. Scope of division.

This division shall cover installation and maintenance of all manual and automatic fire alarm systems in new and existing buildings. Also, faulty and/or false alarms, and delayed notification of manual or automatic systems.

Sec. 811-702. Monitoring of fire systems.

Fire alarm systems required by 675 IAC 13, 675 IAC 22 or this Chapter shall be monitored as set forth in 675 IAC 13-2.3-96 and 675 IAC 22-2.2-17; 1996 edition of N.F.P.A. Standard No. 72, by an

approved central, proprietary or remote station service or a local alarm which gives audible and visual signals at a constantly attended location.

Sec. 811-703. Notification upon fire alarm activation.

(a) The servicing fire department shall be notified upon the activation of any alarm, except in the case of a supervised fire drill or periodic testing of system.

(b) Notwithstanding subsection (a) of this section, such notice shall be required if the alarm is directly transmitted by private line or automatic dialer to the fire department.

(c) The monitoring company shall notify the servicing fire department immediately when the alarm is received at all times except as stated in Subsection (a) of this section.

Sec. 811-704. Faulty alarms.

(a) Whenever a fire department responds to an automatic fire alarm or medical alarm at a premise or building more than three (3) times in a ninety (90) day period due to improper alarm installation, lack of maintenance, servicing, or failure to notify the fire department of a drill or test, a service charge shall be imposed.

(b) For a fourth response in a ninety (90) day period, the service charge shall be fifty dollars (\$50.00). For a fifth response in a ninety (90) day period, the service charge shall be seventy-five dollars (\$75.00). For sixth and subsequent responses in a ninety (90) day period, the service charge shall be one hundred dollars (\$100.00).

(c) Such service charges shall be payable to the servicing fire department.

SECTION 5. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 6. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end, the provisions of this ordinance are severable.

SECTION 7. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code §35-3-4-14.

PROPOSAL NO. 154, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 154, 2002 on April 10, 2002. The proposal, sponsored by Councillors Dowden, Moriarty Adams, Soards, Horseman, and Talley, approves a transfer of \$135,000 in the 2002 Budget of the Department of Public Safety, Animal Care and Control Division (Consolidated County Fund) to pay salaries and benefits of five new staff positions who will perform various functions which are currently being done at the city's animal shelter by the Indianapolis Humane Society. By a 7-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Talley, for adoption. Proposal No. 154, 2002 was adopted on the following roll call vote; viz:

23 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Douglas, Dowden, Gibson, Gray, Horseman, Knox, McWhirter, Moriarty Adams, Nytes, Sanders, SerVaas, Smith, Soards, Talley, Tilford
2 NAYS: Bradford, Schneider
2 NOT VOTING: Coughenour, Massie
2 ABSENT: Langsford, Short

Proposal No. 154, 2002 was retitled FISCAL ORDINANCE NO. 39, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 39, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 95, 2001) transferring and appropriating One Hundred Thirty-five Thousand Dollars (\$135,000) in the Consolidated County Fund for purposes of the Department of Public Safety, Animal Care and Control Division, and reducing certain other appropriations for that division.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(k) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of the Department of Public Safety, Animal Care and Control Division, to add five staff positions for the city's animal shelter, and to perform various animal care functions currently being done by the Indianapolis Humane Society under contract with the department.

SECTION 2. The sum of One Hundred Thirty-five Thousand Dollars (\$135,000) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u> <u>ANIMAL CARE AND CONTROL DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	<u>135,000</u>
TOTAL INCREASE	135,000

SECTION 4. The said additional appropriation is funded by the following reductions:

<u>DEPARTMENT OF PUBLIC SAFETY</u> <u>ANIMAL CARE AND CONTROL DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
3. Other Services and Charges	<u>135,000</u>
TOTAL REDUCTION	135,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Coughenour reported that the Public Works Committee heard Proposal Nos. 162-173, 2002 on April 15, 2002. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 162, 2002. The proposal, sponsored by Councillor Coonrod, authorizes a traffic signal at 56th Street and Lee Road (District 5). PROPOSAL NO. 163, 2002. The proposal, sponsored by Councillor Coonrod, authorizes a traffic signal at 59th Street and Lee Road (District 5). PROPOSAL NO. 164, 2002. The proposal, sponsored by Councillor Tilford, authorizes intersection controls at Whitty Lane at 14th Street and at 16th Street (District 12). PROPOSAL NO. 165, 2002. The proposal, sponsored by Councillor Douglas, authorizes intersection controls at Coburn Avenue and Coil Street (District 10). PROPOSAL NO. 166, 2002. The proposal, sponsored by Councillor Schneider, authorizes multi-way stops at various intersections located in the Royal Pines Estates (District 3). PROPOSAL NO. 167, 2002. The proposal, sponsored by Councillor Massie, authorizes parking restrictions on Surrey Drive from Coach Road to Shelby Street (District 20). PROPOSAL NO. 168, 2002. The proposal, sponsored by Councillor Knox, authorizes parking restrictions on Everett Street from Harding Street to White River Parkway W. Drive, and authorizes a change in one-way restrictions on Everett Street (District 17). PROPOSAL NO. 169, 2002. The proposal, sponsored by Councillors Langsford, Moriarty Adams, and Nytes, authorizes parking restrictions on various streets intersecting with Michigan Street (Districts 13, 15, 22). PROPOSAL NO. 170, 2002. The

proposal, sponsored by Councillors Langsford, Moriarty Adams, Short, and Nytes, authorizes parking restrictions on various streets intersecting with Washington Street (Districts 13, 15, 21, 22). PROPOSAL NO. 171, 2002. The proposal, sponsored by Councillor Nytes, authorizes a change in the one-way restrictions on 14th Street between Pennsylvania Street and Delaware Street (District 22). PROPOSAL NO. 172, 2002. The proposal, sponsored by Councillor Smith, authorizes a weight limit restriction on Marlin Road between Senour Road and Carroll Road (District 23). PROPOSAL NO. 173, 2002. The proposal, sponsored by Councillor Bradford, authorizes a multi-way stop at Hillside Avenue and 57th Street (District 7). By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Coughenour moved, seconded by Councillor Nytes, for adoption. Proposal Nos. 162-173, 2002 were adopted on the following roll call vote; viz:

20 YEAS: Bainbridge, Black, Boyd, Bradford, Brents, Coonrod, Coughenour, Douglas, Horseman, Knox, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Tilford

0 NAYS:

7 NOT VOTING: Borst, Cockrum, Conley, Dowden, Gibson, Gray, Talley

2 ABSENT: Langsford, Short

Proposal No. 162, 2002 was retitled GENERAL ORDINANCE NO. 44, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 44, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
14	56 th St Lee Rd	None	Signal

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 163, 2002 was retitled GENERAL ORDINANCE NO. 45, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 45, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
14	59 th St Lee Rd	None	All Way Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
14	59 th St Lee Rd	None	Signal

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 164, 2002 was retitled GENERAL ORDINANCE NO. 46, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 46, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
28	Whitty Ln 14 th St	Whitty Ln	Stop
28	Whitty Ln 16 th St	16 th St	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 165, 2002 was retitled GENERAL ORDINANCE NO. 47, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 47, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
10	Coburn Av Coil St	Coburn Av	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 166, 2002 was retitled GENERAL ORDINANCE NO. 48, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 48, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
5	Candlewood Ln Ponderosa Blvd	Candlewood Ln	Stop
5	Candlewood Ln Royal Pine Blvd	Royal Pine Blvd	Stop
5	Ponderosa Blvd Royal Pine Blvd	Royal Pine Blvd	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
5	Candlewood Ln Ponderosa Blvd	None	All Way Stop
5	Candlewood Ln Royal Pine Blvd	None	All Way Stop
5	Ponderosa Blvd Royal Pine Blvd	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 167, 2002 was retitled GENERAL ORDINANCE NO. 49, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 49, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

Surrey Drive, on the north side, from a point 215 feet west of Shelby Street to Shelby Street

Surrey Drive, on the south side, from a point 170 feet east of Shelby Street to Shelby Street

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 168, 2002 was retitled GENERAL ORDINANCE NO. 50, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 50, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be and the same is hereby amended by the addition of the following, to wit:

Everett Street, on both sides, from Harding Street to White River Parkway W. Drive

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-342, One-way streets and alleys designated, be and the same is hereby amended by the addition of the following, to wit:

WESTBOUND

Everett Street, from Harding Street to White River Parkway W. Drive

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 169, 2002 was retitled GENERAL ORDINANCE NO. 51, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 51, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

LaSalle Street, on the west side, from Michigan Street to a point 70 feet north of Michigan Street

Emerson Avenue, on the west side, from Michigan Street to a point 140 feet north of Michigan Street

Beville Avenue, on the west side, from New York Street to a point 95 feet north of New York Street

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 170, 2002 was retitled GENERAL ORDINANCE NO. 52, 2002, and reads as follows:

April 29, 2002

CITY-COUNTY GENERAL ORDINANCE NO. 52, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 621-121, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the addition of the following, to wit:

Keystone Avenue, on the east side, from dead-end south of Washington Street to Michigan Street

Keystone Avenue, on the east side, from Michigan Street to 10th Street

Keystone Avenue, on the west side, from Washington Street to a point 68 feet north of Washington Street

LaSalle Street, on the east side, from a point 70 feet south of Washington Street to 10th Street

LaSalle Street, on the west side, from Washington Street to a point 284 feet north of Washington Street

Linwood Avenue, on the east side, from Pleasant Run Parkway N. Drive to Michigan Street

Linwood Avenue, on the west side, from Washington Street to a point 65 feet north of Washington Street

Wallace Avenue, on the east side, from a point 35 feet south of Washington Street to Washington Street

Wallace Avenue, on the west side, from Washington Street to a point 65 feet north of Washington Street

Audubon Road, on the east side, from a point 180 feet south of Washington Street to Washington Street

Audubon Road, on the west side, from Washington Street to a point 70 feet north of Washington Street

Ridgeview Drive, on both sides, from Washington Street to a point 90 feet north of Washington Street

Kitley Avenue, on the east side, from Washington Street to Pleasant Run Parkway S. Drive

Kitley Avenue, on the west side, from Washington Street to a point 180 feet north of Washington Street

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 171, 2002 was retitled GENERAL ORDINANCE NO. 53, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 53, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-342, One-way streets and alleys designated.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-342, One-way streets and alleys designated, be and the same is hereby amended by the deletion of the following, to wit:

WESTBOUND

Fourteenth Street, from Pennsylvania Street to Delaware Street

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-342, One-way streets and alleys designated, be and the same is hereby amended by the addition of the following, to wit:

EASTBOUND

Fourteenth Street, from Pennsylvania Street to Delaware Street

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 172, 2002 was retitled GENERAL ORDINANCE NO. 54, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 54, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-364, Trucks on certain streets restricted.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-364, Trucks on certain streets restricted, be and the same is hereby amended by the addition of the following, to wit:

10,000 POUNDS GROSS WEIGHT

Marlin Road, from a point 2,435 feet east of Senour Road to Carroll Road

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 173, 2002 was retitled GENERAL ORDINANCE NO. 55, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 55, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
11	Hillside Av 57 th St	Hillside Av	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
11	Hillside Av 57 th St	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Soards in memory of Billy Lee Walker, Mathilde E. Pohlhammer Keele, and Bernie Burns; and
- (2) Councillors Coonrod and Coughenour in memory of Carl Specker; and
- (3) Councillor Talley in memory of Elizabeth Miller and Clarence Eugene Brooks, Sr.; and
- (4) Councillor Horseman in memory of Carmen Hurtado Tapia.

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Billy Lee Walker, Mathilde E. Pohlhammer Keele, Bernie Burns, Carl Specker, Elizabeth Miller, Clarence Eugene Brooks, Sr., and Carmen Hurtado Tapia. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:15 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 29th day of April, 2002.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.



President

ATTEST:



Clerk of the Council

(SEAL)

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, MAY 20, 2002**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:11 p.m. on Monday, May 20, 2002, with Councillor SerVaas presiding.

Councillor Douglas led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

29 PRESENT: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford

A quorum of twenty-nine members, being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Short thanked Community Centers of Indianapolis for hosting a dinner for Councillors previous to this evening's meeting and acknowledged all that they do for the City of Indianapolis. Councillor Massie wished his son, Sergeant Matt Massie, a safe seven months in South America on a mission with the Marine Corps. Councillor Coonrod recognized former Deputy Mayor Joe Slash. President SerVaas welcomed former Indianapolis Mayor Charles Boswell.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, May 20, 2002, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Beurt SerVaas
President, City-County Council

April 30, 2002

TO PRESIDENT SERVAAS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, May 3, 2002, a copy of a Notice of Public Hearing on Proposal Nos. 152, 188-191, and 210, 2002, said hearing to be held on Monday, May 20, 2002, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Suellen Hart
Clerk of the City-County Council

May 9, 2002

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Suellen Hart, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 29, 2002 - approves an increase of \$19,600 in the 2002 Budgets of the County Auditor and the Cooperative Extension Service (County Grants Fund) to fund Character Education at after-school sites within the Indianapolis Public School system, funded by a grant from the Indianapolis Board of School Commissioners

FISCAL ORDINANCE NO. 30, 2002 - approves an increase of \$6,335,789 in the 2002 Budget of the Department of Metropolitan Development (State Grants, Federal Grants, Consolidated County, Redevelopment District Capital Projects, and Redevelopment Funds) for administering state and federal grants which provide affordable and supportive housing opportunities, community development, brownfield assessment and remediation, and economic development initiatives, financed by state and federal grants and fund balances

FISCAL ORDINANCE NO. 31, 2002 - approves an increase of \$17,345 in the 2002 Budget of the Department of Public Safety, Animal Care and Control Division (Consolidated County Fund) for construction of a fence around the proposed exercise area at the animal shelter, financed by private donations

FISCAL ORDINANCE NO. 32, 2002 - approves an increase of \$23,521 in the 2002 Budget of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to continue the Arrestee Drug Monitoring Program (ADAM), funded by a federal grant

FISCAL ORDINANCE NO. 33, 2002 - approves an increase of \$21,500 in the 2002 Budget of the Marion County Justice Agency (Law Enforcement Fund) to purchase computer equipment for the County Sheriff, financed by fund balances

FISCAL ORDINANCE NO. 34, 2002 - approves an increase of \$84,000 in the 2002 Budget of the Department of Public Works, Policy and Planning Division (Storm Water Management Fund) to provide public and media relations consulting services for the Stormwater Management program, and to facilitate effective and timely communication with the non-residential property owners about the drainage program and the upcoming stormwater utility bills, financed by fund balances

FISCAL ORDINANCE NO. 35, 2002 - approves an appropriation of \$8,320,000 in the 2002 Budget of the Department of Public Works, Engineering Division (Sanitation Liquid Waste Fund) for Real Time Control early action combined sewer overflow (CSO) projects, financed by fund balances

FISCAL ORDINANCE NO. 36, 2002 - approves an appropriation of \$232,891 in the 2002 Budget of the Department of Public Works, Engineering Division (Federal Grants Fund) to further pollution control efforts on the West Fork of the White River, Fall Creek, and Pleasant Run, financed by federal funds

FISCAL ORDINANCE NO. 37, 2002 - approves an appropriation of \$2,500,000 in the 2002 Budget of the Department of Public Works, Engineering Division (Solid Waste Disposal Fund) to restore the stream bank along the White River near the former Tibbs Avenue and Banta Road landfill, financed by fund balances

FISCAL ORDINANCE NO. 38, 2002 - approves a transfer of \$60,000 in the 2002 Budget of the Department of Public Works, Policy and Planning Division (Sanitation Liquid Waste Fund) to purchase hardware associated with a network upgrade to the Belmont facility

FISCAL ORDINANCE NO. 39, 2002 - approves a transfer of \$135,000 in the 2002 Budget of the Department of Public Safety, Animal Care and Control Division (Consolidated County Fund) to pay salaries and benefits of five new staff positions who will perform various functions which are currently being done at the city's animal shelter by the Indianapolis Humane Society

GENERAL ORDINANCE NO. 43, 2002 - amends the Revised Code concerning Chapter 591, Fire Prevention and Protection

GENERAL ORDINANCE NO. 44, 2002 - authorizes a traffic signal at 56th Street and Lee Road (District 5)

GENERAL ORDINANCE NO. 45, 2002 - authorizes a traffic signal at 59th Street and Lee Road (District 5)

GENERAL ORDINANCE NO. 46, 2002 - authorizes intersection controls at Whitty Lane at 14th Street and at 16th Street (District 12)

GENERAL ORDINANCE NO. 47, 2002 - authorizes intersection controls at Coburn Avenue and Coil Street (District 10)

GENERAL ORDINANCE NO. 48, 2002 - authorizes multi-way stops at various intersections located in the Royal Pines Estates (District 3)

GENERAL ORDINANCE NO. 49, 2002 - authorizes parking restrictions on Surrey Drive from Coach Road to Shelby Street (District 20)

GENERAL ORDINANCE NO. 50, 2002 - authorizes parking restrictions on Everett Street from Harding Street to White River Parkway W. Drive, and authorizes a change in one-way restrictions on Everett Street (District 17)

GENERAL ORDINANCE NO. 51, 2002 - authorizes parking restrictions on various streets intersecting with Michigan Street (Districts 13, 15, 22)

GENERAL ORDINANCE NO. 52, 2002 - authorizes parking restrictions on various streets intersecting with Washington Street (Districts 13, 15, 21, 22)

GENERAL ORDINANCE NO. 53, 2002 - authorizes a change in the one-way restrictions on 14th Street between Pennsylvania Street and Delaware Street (District 22)

GENERAL ORDINANCE NO. 54, 2002 - authorizes a weight limit restriction on Marlin Road between Senour Road and Carroll Road (District 23)

GENERAL ORDINANCE NO. 55, 2002 - authorizes a multi-way stop at Hillside Avenue and 57th Street (District 7)

SPECIAL ORDINANCE NO. 2, 2002 - an inducement resolution for Tara Apartments in an amount not to exceed \$9,000,000 which consists of the rehabilitation of a 228-unit, pre-existing apartment complex on an approximately 11.535 acre parcel of real estate located at 3287 East Tara Court (District 8)

SPECIAL RESOLUTION NO. 27, 2002 - recognizes Fiesta Indianapolis' Cinco de Mayo community celebration on May 5

SPECIAL RESOLUTION NO. 28, 2002 - recognizes world champion powerlifter Michelle Amsden

SPECIAL RESOLUTION NO. 29, 2002 - recognizes Workers Memorial Day that was celebrated April 28, 2002

SPECIAL RESOLUTION NO. 30, 2002 - recognizes the Honorable Bishop S. C. Madison of the United House of Prayer For All People

SPECIAL RESOLUTION NO. 32, 2002 - recognizes the 15th Anniversary of the Greek Islands Restaurant

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of April 29, 2002. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 247, 2002. The proposal, sponsored by Councillors Horseman, Boyd, and SerVaas, welcomes Mexican Consul, Honorable Sergio Aquilera, to Indianapolis. Councillor Horseman read the proposal and presented Mr. Aquilera with a copy of the document and a Council pin. President SerVaas and Councillors Boyd and Borst welcomed Mr. Aquilera to the City. Mr. Aquilera thanked the Council for the welcome and stated that he is looking forward to many cultural and educational exchanges. Councillor Horseman moved, seconded by Councillor Boyd, for adoption. Proposal No. 247, 2002 was adopted by a unanimous voice vote.

Proposal No. 247, 2002 was retitled SPECIAL RESOLUTION NO. 31, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 31, 2002

A SPECIAL RESOLUTION welcoming Mexican Consul, Honorable Sergio Aquilera, to Indianapolis.

WHEREAS, the Republic of Mexico's first Consulate office in Indianapolis is set to open soon in space provided in Union Station; and

WHEREAS, the first ever Mexican Consul in Indianapolis is Honorable Sergio Aguilar, who previously served as Mexican Consul General in Shanghai, People's Republic of China; and

WHEREAS, the new office will be a direct link for local companies doing business with Mexico, will be a local source for passports and visas instead of having to travel to Chicago, and will offer Mexican governmental services for the fast growing Mexican population in Central Indiana; and

WHEREAS, the Honorable Aquilera wants to focus upon the strong already existing trade relations between Indiana and Mexico, and also wishes to integrate the arts, sports and cuisine between the two neighbors; and

WHEREAS, the new consulate office will serve Indiana, Ohio and Kentucky; now, therefore:

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. The Indianapolis City-County Council welcomes Indianapolis' first Republic of Mexico Consulate Office and Consul Honorable Sergio Aquilera to Indianapolis.

SECTION 2. May his assignment here be both enjoyable and productive.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 248, 2002. The proposal, sponsored by Councillors Tilford and Langsford, recognizes the Warren Pride Cleanup Day when 1,265 people removed over 15 tons of trash. Councillor Tilford read the proposal and presented representatives with copies of the document and Council pins. John Sweezy, Warren Township Development Association president, and Ruth Ann Walker, neighborhood organizer of the event, thanked the Council for the recognition and recognized groups that supported this initiative: Girl Scouts, CVS Pharmacy, Target, Precision Propellers, Sam's Club, and Image Media. Councillor Tilford moved, seconded by Councillor Langsford, for adoption. Proposal No. 248, 2002 was adopted by a unanimous voice vote.

Proposal No. 248, 2002 was retitled SPECIAL RESOLUTION NO. 33, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 33, 2002

A SPECIAL RESOLUTION recognizing the Warren Township Pride Cleanup Day when 1,265 people removed over 15 tons of trash.

WHEREAS, two years ago the Warren Township Development Association was told that the general cleanliness of an area is an important ingredient for economic development; and

WHEREAS, in five weeks they organized a Warren Pride Spring Cleanup that bagged five tons of trash; and

WHEREAS, this year with more time to plan and to get the word out, 1,265 citizens participated and over 15 tons of trash was picked up on Saturday, April 13th; and

WHEREAS, people from age two to 85 in Warren Township, Irvington and Cumberland jointly rolled up their sleeves and went to work in a unified effort; and

WHEREAS, township officials, Warren Schools, firefighters, businesses, scouts, and mostly just plain citizens all volunteered to help make the East side into a junk and debris-free zone; and

WHEREAS, Small Claims Court Judge Lori Kyle Endris found a bag of illegal drugs along the side of a road, and Girl Scout Troops 1582 and 496 found a bag containing four stolen wallets with credit cards that were all turned over to the participating Marion County Sheriff's Deputies; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes and applauds the hundreds of Warren Township residents who gave up a part of a Saturday to show their Warren Pride.

SECTION 2. This home grown grass roots cleanup initiative by the Warren Township Development Association serves as a source of pride to the people of Warren Township, and as an inspiration for local neighborhood organizations and other individuals and groups to help make where they live and work a little more clean, attractive, and a safer place.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 235, 2002. The proposal, sponsored by Councillors Short, Nytes, and Black, recognizes the April 27, 2002, Rebuilding Together Indianapolis housing revitalization blitz. Councillor Short read the proposal and presented representatives with copies of the document and

Council pins. Bill Freeman, Charles C. Brandt company representative and organizer of the event, thanked the Council for the recognition. Councillors Nytes and Black thanked all of those involved for their hard work and for making a difference. Councillor Short moved, seconded by Councillor Black, for adoption. Proposal No. 235, 2002 was adopted by a unanimous voice vote.

Proposal No. 235, 2002 was retitled SPECIAL RESOLUTION NO. 34, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 34, 2002

A SPECIAL RESOLUTION recognizing the April 27, 2002, Rebuilding Together Indianapolis housing revitalization blitz.

WHEREAS, Rebuilding Together USA began in April, 1973, in Midland, Texas, when some volunteers decided to repair some deteriorated homes of low income residents in that city; and

WHEREAS, the concept took root and now local Rebuilding Together organizations are established across America, including Indianapolis, which rehabbed 19 homes in one day last year; and

WHEREAS, Rebuilding Together USA takes its inspiration from old fashioned barn raisings, when an amazing number of skilled and unskilled volunteers converged at one place to do a massive amount of work in a very short time; and

WHEREAS, at 7:30 a.m. on the morning of Saturday, April 27th, more than 700 volunteers converged upon a neighborhood in Mapleton-Fall Creek to repair 22 homes in a one-day rehabilitation blitz; now, therefore

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the third annual Rebuilding Together Indianapolis neighborhood rehabilitation organization and volunteers.

SECTION 2. The Council commends the main corporate sponsors: Indiana Union Construction Industry, Inland Paperboard and Packaging, Inc., and Huntington Banks, along with a number of other private, public, and nor-for-profit sponsors and contributors for their time and money to help improve the lives of several Indianapolis residents on April 27, 2002.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 249, 2002. The proposal, sponsored by Councillors Horseman, Sanders, Conley, and Gibson, recognizes the June 21-22, 2002, African Unity Festival which is organized by African Community International, Inc. Councillor Horseman read the proposal and presented representatives with copies of the document and Council pins. Councillor Conley encouraged the public and Council members to attend the Festival. Shola Ajobye, African Community International, Inc., thanked the Council for the recognition. Councillor Horseman moved, seconded by Councillor Sanders, for adoption. Proposal No. 249, 2002 was adopted by a unanimous voice vote.

Proposal No. 249, 2002 was retitled SPECIAL RESOLUTION NO. 35, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 35, 2002

A SPECIAL RESOLUTION recognizing the June 21-22, 2002, African Unity Festival which is organized by African Community International, Inc.

WHEREAS, on June 21-22, in the Exposition Hall at the Indiana State Fairgrounds, an estimated 8,000 people will taste the best of African and soul foods, shop, listen to the rhythm of 50 drummers, watch art workshops, interact with both business and personal networks, and watch children have their pictures taken with an African "king"; and

WHEREAS, the action-packed two days of the African Unity Festival is conducted by the local African Community International, Inc. whose mission of the Festival is to create a platform for Africans and African-Americans to come together for understanding and share together in unity and stretch hands of love to others; and

WHEREAS, this year's Festival theme is: *Let's come together to reconnect the circle. May the circle be unbroken*; and

WHEREAS, the Festival helps fulfill one of the missions of the sponsoring organization by broadening the availability and appreciation of Africa, and give non-Africans the opportunity to experience the excellence, diversity and vitality of Africa, her people, resources and potentials; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the African Unity Festival sponsored by African Community International, Inc.

SECTION 2. Indianapolis has become a city of people with a wide array of diverse backgrounds, and African Unity Festival is a showcase event for one of those rich heritages.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 250, 2002. The proposal, sponsored by Councillors Coughenour and Smith, recognizes the Beech Grove Police Department for earning Accreditation status by the Commission on Accreditation for Law Enforcement Agencies. Councillor Coughenour read the proposal and presented representatives with copies of the document and Council pins. Councillor Coughenour moved, seconded by Councillor Borst, for adoption. Proposal No. 250, 2002 was adopted by a unanimous voice vote.

Proposal No. 250, 2002 was retitled SPECIAL RESOLUTION NO. 36, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 36, 2002

A SPECIAL RESOLUTION recognizing the Beech Grove Police Department for earning Accreditation status by the Commission on Accreditation for Law Enforcement Agencies.

WHEREAS, the private nonprofit Commission on Accreditation for Law Enforcement Agencies was established as an accrediting body in 1979 by the four major law enforcement membership associations: The International Association of Chiefs of Police, the National Organization of Black Law Enforcement Executives, the National Sheriff's Association, and the Police Executive Research Forum; and

WHEREAS, the overall purpose of the Commission's accreditation program is to improve delivery of law enforcement service by offering a body of standards developed by law enforcement practitioners that cover a wide range of modern law enforcement topics; and

WHEREAS, the Accreditation process involves a manual of 443 standards and five days of on-site inspections by a team of three outside assessors; and

WHEREAS, in late March, the 39 member Beech Grove Police Department was awarded their Reaccreditation status by the Commission, thus being in the company of only 11 other law enforcement agencies in the state; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes and congratulates the Beech Grove Police Department for earning its Accreditation with the Commission on Accreditation for Law Enforcement Agencies.

SECTION 2. The certification is not without some introspection pain, but everyone knows that the process and the end product makes for a better, more professional, police department; and the Beech Grove citizens receive a better return on their public safety investment.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 251, 2002. The proposal, sponsored by Councillors Langsford, Gray, and Horseman, recognizes Captain Dudley Taylor of the Indianapolis Fire Department for his initiative in promoting cryogenic technology with fire truck brakes. Councillor Langsford read the proposal and presented Captain Taylor with a copy of the document and a Council pin. Captain Taylor thanked the Council for the recognition. Indianapolis Fire Department Chief Louis Dezelan congratulated Captain Taylor on such an innovative idea and bringing recognition to the City.

Councillor Boyd asked where remuneration goes when a person under City employ makes such a discovery. President SerVaas said that there is a very long and expensive process of applying for a patent that would determine where this remuneration goes. Councillor Talley said that if the person makes the discovery on City time using City resources, the City would receive the remuneration.

Councillor Langsford moved, seconded by Councillor Gray, for adoption. Proposal No. 251, 2002 was adopted by a unanimous voice vote.

Proposal No. 251, 2002 was retitled SPECIAL RESOLUTION NO. 37, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 37, 2002

A SPECIAL RESOLUTION recognizing Captain Dudley Taylor of the Indianapolis Fire Department for his initiative in promoting cryogenic technology with fire truck brakes.

WHEREAS, borrowing a concept from race cars, the Indianapolis Fire Department's liaison with Fleet Services, Captain Dudley Taylor, has studied and pushed for a process that makes brakes last longer; and

WHEREAS, cryogenics uses liquid nitrogen to freeze metal to minus 300 degrees for several hours which hardens the metal, in this case vehicle brakes, thus lengthening the life of the brakes; and

WHEREAS, Captain Taylor calculated that if all of Indianapolis Fire Department's 60 fire trucks had these long lasting brakes the department could save \$200,000 a year in maintenance, and he persuaded the Department to test the idea on Engine 24; and

WHEREAS, the test was a success, and all of the city's pumpers will be running on cryogenic hardened brakes within two years, an article on this cost savings strategy will appear in the fire service trade magazine "Fire Engineering", and the city is looking into cryogenic treatment for other large trucks in Indianapolis' fleet; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes and congratulates IFD Captain Dudley Taylor for his initiative in transferring cryogenic technology from the auto racing industry to "everyday" use in fire engines.

SECTION 2. Such initiative by Captain Taylor reflects great credit upon the city and county public workers, the city fire department, and upon himself.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 252, 2002. The proposal, sponsored by Councillor Bradford, recognizes the Indiana School for the Blind Sidewalk Project. Councillor Bradford read the proposal and presented representatives with copies of the document and Council pins. Jack Bulger, Jack Bulger & Associates; Michael Schaefer, Indianapolis Jaycees; David Silver, then-president of the Board of Public Safety; and then-Mayor Charles Boswell thanked the Council for the recognition. Councillor Bradford moved, seconded by Councillor Bainbridge, for adoption. Proposal No. 252, 2002 was adopted by a unanimous voice vote.

Proposal No. 252, 2002 was retitled SPECIAL RESOLUTION NO. 38, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 38, 2002

A SPECIAL RESOLUTION recognizing the Indiana School for the Blind Sidewalk Project.

WHEREAS, in 1960, there were 170 residents of the Indiana School for the Blind at 7725 North College Avenue, and there was no sidewalk from 75th Street to 71st Street to connect the school students and staff to Broad Ripple Village ; and

WHEREAS, by opening a safer route to Broad Ripple instead of walking along the hazardous berm, students could use the proposed sidewalk to train in cane travel and orientation to help them develop the skills they would need in life applications; and

WHEREAS, Broad Ripple then, as today, was a very busy hub of activity for shopping, eateries and other events; and

WHEREAS, local government refused to fund the project in September, 1960; and

WHEREAS, with public pressure organized by the Indianapolis Jaycees and area residents including the Town of Meridian Hills, the County Commissioners and others, the Marion County Council reheard public testimony in October and changed their position by voting unanimously in favor of the \$7,000 sidewalk project; and

WHEREAS, according to the Indiana School for the Blind, since that time, 3,500-4,000 students have learned to walk from the school to Broad Ripple Village and back after visiting shops, banks and other businesses, whereby before the sidewalks in 1960, only a select few could navigate the berm of College Avenue, now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the local Blind School Sidewalk Project campaign spearheaded by the Indianapolis Jaycees 42 years ago.

SECTION 2. Leading the effort in 1960 were Jaycees Michael G. Schaefer, now semi-retired from the Mitchum Schaefer Corp., and Jack Bulger, now semi-retired from Jack Bulger & Associates; along with then-Indianapolis Mayor Charles H. Boswell, who is now retired; and Dr. David M. Silver, who was President of the Board of Public Safety at that time, and who is now retired.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

President SerVaas passed the gavel to Vice President Borst. Vice President Borst reported that Proposal Nos. 174, 175, and 194, 2002 are all board or position appointments which passed unanimously out of their respective committees. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 174, 2002. The proposal, sponsored by Councillor Coonrod, reappoints William R. Wayman to the Indianapolis-Marion County Building Authority Board of Trustees. PROPOSAL NO. 175, 2002. The proposal, sponsored by Councillor Cockrum, appoints Dale Thornberry to the Board of Parks and Recreation. PROPOSAL NO. 194, 2002. The proposal, sponsored by Councillor Nytes, approves the Mayor's appointment of Brent A. Auberry as hearing officer. By unanimous votes, the Committees reported Proposal Nos. 174 and 194, 2002 to the Council with the recommendation that they do pass and Proposal No. 175, 2002 to the Council with the recommendation that it do pass as amended. Councillor McWhirter moved, seconded by Councillor Cockrum, for adoption. Proposal Nos. 174 and 194, 2002 and Proposal No. 175, 2002, as amended, were adopted by a unanimous voice vote.

Proposal No. 174, 2002 was retitled COUNCIL RESOLUTION NO. 62, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 62, 2002

A COUNCIL RESOLUTION reappointing William R. Wayman to the Indianapolis-Marion County Building Authority Board of Trustees.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Indianapolis-Marion County Building Authority Board of Trustees, the Council reappoints:

William R. Wayman

SECTION 2. The appointment made by this resolution is for a term ending June 3, 2006. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 175, 2002, as amended, was retitled COUNCIL RESOLUTION NO. 63, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 63, 2002

A COUNCIL RESOLUTION appointing Dale Thornberry to the Board of Parks and Recreation.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Board of Parks and Recreation, the Council appoints:

Dale Thornberry

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 194, 2002 was retitled COUNCIL RESOLUTION NO. 64, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 64, 2002

A COUNCIL RESOLUTION approving the Mayor's appointment of Brent A. Auberry as hearing officer to preside over the administrative adjudication of parking citations on behalf of the Consolidated City of Indianapolis and Marion County.

WHEREAS, pursuant to Indiana Code § 36-3-3-8 and Section 103-73 of the "Revised Code of the Consolidated City and County," a mayoral appointment of a hearing officer to preside over the administrative adjudication of parking citations on behalf of the Consolidated City of Indianapolis and Marion County is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Brent A. Auberry to serve as hearing officer at his pleasure for a term of one (1) year; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Brent A. Auberry is approved and confirmed by the City-County Council to serve as hearing officer at the pleasure of the Mayor for the term of one (1) year.

SECTION 2. This ordinance shall be in effect upon adoption and compliance with IC § 36-3-4-14.

Vice-President Borst returned the gavel to President SerVaas.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 237, 2002. Introduced by Councillors McWhirter and Boyd. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$54,000 in the 2002 Budget of the Office of Corporation Counsel (Consolidated County Fund) to add a staff attorney to provide legal representation to the Department of Waterworks as well as the Board of Waterworks, to be financed by revenues from the Department of Waterworks"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 238, 2002. Introduced by Councillors Langsford, Boyd, Nytes, and Sanders. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$74,514 in the 2002 Budget of the Office of Corporation Counsel (Federal Grants Fund) to fund a Community Prosecutor and Paralegal to work in partnership with law enforcement and community groups on a full-time basis in order to enhance coordination between the City Prosecutor's Office, law enforcement and the community in addressing public safety and quality of life issues, financed by a federal grant"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 239, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$3,000 in the 2002 Budget of the County Sheriff (County Grants Fund) to purchase a laptop computer, data projector, and two portable projection screens, funded by a grant from the Target Corporation"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 240, 2002. Introduced by Councillors Dowden and Soards. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$6,000 in the 2002 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to fund a Protective Order Intake Clerk for the period from 04/01/02 through 06/30/02, financed by a grant from the

Indiana Criminal Justice Institute”; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 241, 2002. Introduced by Councillors Dowden and Soards. The Clerk read the proposal entitled: “A Proposal for a Fiscal Ordinance which approves an increase of \$50,000 in the 2002 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to provide for contractual and consulting services for an Alternative Dispute Resolution, funded by a federal grant”; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 242, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: “A Proposal for a Fiscal Ordinance which approves an increase of \$4,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (County Grants Fund) to fund a summer youth program, funded by a grant from the Indianapolis Foundation”; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 243, 2002. Introduced by Councillors Coughenour and Moriarty Adams. The Clerk read the proposal entitled: “A Proposal for a General Resolution which establishes that the City-County Council is interested in making the purchase of approximately 1.5 acres located at 1711 East 39th Street”; and the President referred it to the Public Works Committee.

PROPOSAL NO. 244, 2002. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: “A Proposal for a Council Resolution which reappoints Bernard O. Paul to the Air Pollution Control Board”; and the President referred it to the Public Works Committee.

PROPOSAL NO. 245, 2002. Introduced by Councillors Coonrod and Borst. The Clerk read the proposal entitled: “A Proposal for a Council Resolution which appoints Ivan Wilson to the Common Construction Wage Committee for the City of Lawrence”; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 246, 2002. Introduced by Councillors Boyd, Horseman, Sanders, and Talley. The Clerk read the proposal entitled: “A Proposal for a General Ordinance which amends the Revised Code relating to the citizens police complaint board”; and the President referred it to the Public Safety and Criminal Justice Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 227, 2002, PROPOSAL NO. 253, 2002, PROPOSAL NO. 254, 2002, and PROPOSAL NOS. 255-263, 2002. Introduced by Councillor Smith. Proposal No. 227, 2002, Proposal No. 253, 2002, Proposal No. 254, 2002, and Proposal Nos. 255-263, 2002 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on May 15, 2002. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 55-66, 2002, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 55, 2002.

2002-ZON-009

1610 EAST WASHINGTON STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22.

SF PROPERTIES 5, LLC., by Walter E. Wolf Jr., requests a rezoningG of 0.56 acre, being in the C-2 District, to the C-3 classification to provide for neighborhood commercial uses.

REZONING ORDINANCE NO. 56, 2002.

2001-ZON-168

9333 HAVER WAY (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 3

KEY CENTER LLC., by Philip A. Nicely, requests a rezoning of 1.6 acres, being in the C-3, C-6, and C-S Districts, to the C-5 classification to provide for general commercial uses.

REZONING ORDINANCE NO. 57, 2002.

2002-ZON-016

2502-2506 NORTH ARLINGTON AVENUE (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 10

WAS/DKV requests a rezoning of 1.57 acres, being in the C-3 District, to the C-5 classification to provide for general commercial development.

REZONING ORDINANCE NO. 58, 2002.

2001-ZON-153

5309 EAST EDGEWOOD AVENUE (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23

ROBERT J. WILSON, by Michael J. Kias, requests the rezoning of 20.336 acres, being in the D-A District, to the D-5II classification to provide for residential development.

REZONING ORDINANCE NO. 59, 2002.

2002-ZON-022

2025 WEST SOUTHPORT AVENUE (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 25

INSIGHT ENGINEERING, INC. requests a rezoning of 3.758 acres, being in the C-4 (FF)(W-1), D-P (GSB)(FF)(W-1) and D-A (FF)(W-1) Districts, to the C-4 (FF)(W-1) classification to provide for a gasoline station/convenience store.

REZONING ORDINANCE NO. 60, 2002.

2002-ZON-024

1062 NORTH SHEFFIELD AVENUE (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 16

CALDWELL AME ZION CHURCH, by Michael J. Kias, requests a rezoning of 0.38 acre, being in the D-5 (W-1) District, to the SU-1 (W-1) classification to provide for religious uses.

REZONING ORDINANCE NO. 61, 2002.

2002-ZON-025

2447 WEST 14TH STREET (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 16

FRIENDSHIP MISSIONARY BAPTIST CHURCH requests a rezoning of 2.913 acres, being in the D-5 (W-5) District, to the SU-7 (W-5) classification to provide for a daycare facility.

REZONING ORDINANCE NO. 62, 2002.

2002-ZON-028

9411, 9415, and 9423 PENDLETON PIKE and 9444 EAST 52ND STREET (approximate addresses), CITY OF LAWRENCE.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 5

TIMOTHY L. and CATHY M. GOODPASTER, by Steven R. Hall, requests a rezoning of 0.67 acre, being in the D-A District, to the C-1 classification to provide for general office uses.

REZONING ORDINANCE NO. 63, 2002.

2002-ZON-031

5333 EAST WASHINGTON STREET (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13.

ARCHDIOCESE OF INDIANAPOLIS. by David Kingen, requests a rezoning of 4.585 acres, being in the D-8 and D-5 Districts, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 64, 2002.

2002-ZON-033

1910 BELLEVIEW PLACE (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 16
CHRISTWAY MISSIONARY BAPTIST CHURCH requests a rezoning of 0.74 acre, being in the D-5 (W-5) District, to the SU-1 (W-5) classification to provide for religious uses.

REZONING ORDINANCE NO. 65, 2002.

2002-ZON-038

1735 WEST EDGEWOOD AVENUE (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 25

L & W ENTERPRISES, INC. requests a rezoning of 4.6 acres, being in the DA (W-1) (FF) District, to the I-2-S (W-1) (FF) classification to provide for light industrial development.

REZONING ORDINANCE NO. 66, 2002.

2002-ZON-803

6006-6022 MADISON AVENUE (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 20.

FAMILY VIDEO MOVIE-CLUB, INC., by Joseph D. Calderon, requests a rezoning of 1.35 acres, being in the D-3, C-1, and C-S Districts, to the C-3 classification to provide for neighborhood commercial uses.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 152, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 152, 2002 on April 10, 2002. On April 29, 2002, the Council returned the proposal to Committee, where it was heard again on May 1, 2002. The proposal, sponsored by Councillors Dowden, Moriarty Adams, and Soards, approves an appropriation of \$85,899 in the 2002 Budget of the Department of Public Safety, Emergency Management Planning Division (Consolidated County Fund) to add one Deputy Administrator and one Senior Coordinator, along with some associated operating costs, financed by fund balances and partial reimbursement from the State Emergency Management Agency. By a 6-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

President SerVaas called for public testimony at 8:32 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Soards, for adoption. Proposal No. 152, 2002, as amended, was adopted on the following roll call vote; viz:

28 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford

0 NAYS:

1 NOT VOTING: Gibson

Proposal No. 152, 2002, as amended, was retitled FISCAL ORDINANCE NO. 40, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 40, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating Eighty-five Thousand Eight Hundred Ninety-nine Dollars (\$85,899) in the Consolidated County Fund for purposes of the Department of Public Safety, Emergency Management Planning Division and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

**BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(k) of the City-County Annual Budget for 2002 be, and is hereby, amended

by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Emergency Management Planning Division, to add one Deputy Administrator and one Senior Coordinator along with some associated support costs.

SECTION 2. The sum of Eighty-five Thousand Eight Hundred Ninety-nine Dollars (\$85,899) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u>	
<u>EMERGENCY MANAGEMENT PLANNING DIVISION</u>	
	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	73,149
2. Materials and Supplies	1,950
3. Other Services and Charges	5,100
4. Capital Outlay	4,000
5. Internal Charges	<u>1,700</u>
TOTAL INCREASE	85,899

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	<u>85,899</u>
TOTAL REDUCTION	85,899

SECTION 5. Section 5.02(b) of City-County Fiscal Ordinance No. 105, 2000, as amended by City-County Fiscal Ordinance No. 49, 2001, be and is hereby further amended to increase the number of authorized employees for the Department of Public Safety, Division Emergency Management Planning, from four (4) to six (6) F.T.E.'s for the calendar year 2002 if the Mayor reduces one (1) F.T.E. in other city departments or divisions.

SECTION 6. Fifty percent (50%) of the salaries approved in this ordinance will be reimbursed by the State Emergency Management Agency. The council does not intend to use the revenues from any local tax, regardless of source, to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency and the city controller are directed to notify in writing the city-county council immediately upon receipt of any information that state funding is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 188, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee postponed Proposal No. 188, 2002 on May 1, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$220,240 in the 2002 Budgets of the County Auditor and the Marion County Public Defender Agency (State and Federal Grants Fund) to fund advocate alternative sentencing options and a Mental Health Coordinator, funded by a grant from the Indiana Criminal Justice Institute (Local match of \$73,413 is funded by the following existing appropriations: \$60,042 in the Marion County Public Defender Agency General Fund budget and \$13,371 from an outside agency [Midtown Mental Health]). Councillor Dowden moved, seconded by Councillor Talley, to postpone Proposal No. 188, 2002 until June 3, 2002. Proposal No. 188, 2002 was postponed by a unanimous voice vote.

Councillor Dowden reported that the Public Safety and Criminal Justice Committee tabled Proposal Nos. 189 and 191, 2002 on May 1, 2002.

PROPOSAL NO. 189, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$35,000 in the 2002 Budget of the County Sheriff (State and Federal Grants Fund) to appropriate a pass-through grant from the Indiana Criminal Justice Institute for the Destiny Delinquency Prevention and Music Therapy Program. PROPOSAL NO. 191, 2002. The

proposal, sponsored by Councillor Dowden, approves an increase of \$57,806 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to appropriate a state grant for the Kindermusik Family Re-Integration Project. Councillor Dowden moved, seconded by Councillor Borst, to table Proposal Nos. 189 and 191, 2002. Proposal Nos. 189 and 191, 2002 were tabled by a unanimous voice vote.

PROPOSAL NO. 190, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 190, 2002 on May 1, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$202,462 in the 2002 Budget of the County Sheriff (State and Federal Grants Fund) for the reimbursement of prior expenses related to housing illegal aliens by the State Criminal Alien Assistance Program, funded by a grant from the Bureau of Justice Assistance. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:34 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 190, 2002 was adopted on the following roll call vote; viz:

25 YEAS: Bainbridge, Black, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Tilford
0 NAYS:
4 NOT VOTING: Borst, Knox, SerVaas, Talley

Proposal No. 190, 2002 was retitled FISCAL ORDINANCE NO. 41, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 41, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97 2001) appropriating an additional Two Hundred Two Thousand Four Hundred Sixty-two Dollars (\$202,462) in the State and Federal Grants Fund for purposes of the County Sheriff and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Sheriff to assist the county in it's efforts to recover additional Federal dollars that are due the County. This appropriation will be used to reimburse the Sheriff for prior expenses related to housing illegal aliens by the State Criminal Alien Assistance Program.

SECTION 2. The sum of Two Hundred Two Thousand Four Hundred Sixty-two Dollars (\$202,462) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY SHERIFF</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	202,462
TOTAL INCREASE	202,462

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	202,462
TOTAL REDUCTION	202,462

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 210, 2002. Councillor Cockrum reported that the Parks and Recreation Committee heard Proposal No. 210, 2002 on May 2, 2002. The proposal, sponsored by Councillors Cockrum and Douglas, approves appropriations in the 2002 Budget of the Department of Parks and Recreation: an increase of \$229,877 (Federal Grants Fund) to continue the after-school programs for the 2001-2002 school year at Forest Manor School and School 108, financed by a federal grant (US Department of Education); and a transfer of \$60,240 (Park General Fund) to provide additional monitoring of wells at the Pleasant Run and Sarah Shank golf courses. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:37 p.m. There being no one present to testify, Councillor Cockrum moved, seconded by Councillor Massie, for adoption. Proposal No. 210, 2002 was adopted on the following roll call vote; viz:

28 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Tilford

0 NAYS:

1 NOT VOTING: Talley

Proposal No. 210, 2002 was retitled FISCAL ORDINANCE NO. 42, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 42, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) transferring and appropriating Two Hundred Ninety Thousand One Hundred Seventeen Dollars (\$290,117) in the Federal Grants Fund and the Park General Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Federal Grants Fund and reducing certain other appropriations in the Park General Fund for that department.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (l) of the City-County Annual Budget for 2001 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to continue the after-school programs for the 2001-2002 school year at Forest Manor School and School 108 and to provide additional monitoring of wells at the Pleasant Run and Sarah Shank golf courses.

SECTION 2. The sum of Two Hundred Ninety Thousand One Hundred Seventeen Dollars (\$290,117) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances and by reducing the accounts as shown in Section 4

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	60,240
2. Materials and Supplies	18,941
3. Other Services and Charges	147,783
4. Capital Outlay	2,913
TOTAL INCREASE	229,877

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
3. Other Services and Charges	60,240
TOTAL INCREASE	60,240

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	229,877
TOTAL DECREASE	229,877

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
1. Personal Services	60,240
TOTAL DECREASE	60,240

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - UNFINISHED BUSINESS

PROPOSAL NO. 211, 2002. Councillor Massie reported that the Rules and Public Policy Committee heard Proposal No. 211, 2002 on April 16, 2002. For want of statutory majority, the proposal failed in Council on April 29, 2002. The proposal, sponsored by Councillor Massie, establishes the rules for redistricting hearings. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Short made the following motion:

Mr. President,

I move to amend Proposal No. 211, 2002 by amending Section 1, Rule 2, by adding a new subsection (h), which reads:

(h) No redistricting plan or amendment to such plan shall be heard or considered by either the Committee on Rules and Public Policy or the full Council unless such plan or amendment shall have been made available for review by both Caucuses at least forty-eight (48) hours prior to the time and date on which the Committee or the Council considers the plan or amendment. This rule may be waived upon a two-thirds (2/3) vote of the Committee or the Council.

Councillor Gibson seconded the motion.

Councillor Massie said that as he said last meeting, when a similar amendment was raised, this body has often negotiated down to the last hour to find a suitable compromise. He believes that

this amendment limits flexibility in these types of negotiations. He said that he does not support the amendment.

Councillor Boyd said that this amendment's intent is not to limit flexibility in negotiations, but to insure that there will not be comprehensive twelfth hour plans that would replace what might have already been agreed on publicly.

Councillor Nytes and Councillor Gray encouraged Council members to support the amendment to retain the level of public awareness to the last hour.

Councillor Massie said that the schedule makes the process as public as possible and he is skeptical about the reasons for the amendment.

Councillor Short's motion to amend failed on the following roll call vote; viz:

14 YEAS: Black, Boyd, Brents, Conley, Douglas, Gibson, Gray, Horseman, Knox, Moriarty Adams, Nytes, Sanders, Short, Talley

15 NAYS: Bainbridge, Borst, Bradford, Cockrum, Coonrod, Coughenour, Dowden, Langsford, Massie, McWhirter, Schneider, SerVaas, Smith, Soards, Tilford

Councillor Short made the following motion:

Mr. President,

I move to amend Proposal No. 211, 2002 by amending Section 1, Rule 2, by adding a new subsection (h), which reads:

(h) Any redistricting plan containing proposed districts with a deviation from the ideal district size in excess of three percent (3%) must be accompanied by written comments justifying, with reference to objective criteria, the deviations from population equality. The term "ideal district size" refers to the population of Marion County divided by twenty-five (25). The term "deviation from the ideal district size" refers to the amount by which the population of any district is greater than or less than the ideal district size and is expressed as a percentage by dividing the difference between the actual and ideal district sizes by the ideal district size.

Councillor Gibson seconded the motion.

Councillor Massie asked if the plans or amendments referenced in this amendment refer to public or caucus plans. Councillor Short said that he was speaking specifically to caucus plans.

Councillor Massie said that he would like some time to review this amendment and confer with counsel before voting. He moved, seconded by Councillor Black, to table the amendment and the proposal until later in the meeting, to then be brought back up for discussion after other agenda business is finished. The motion to table Proposal No. 211, 2002 and Councillor Short's amendment carried by the following roll call vote; viz:

26 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Tilford

1 NAY: Talley

2 NOT VOTING: Coughenour, SerVaas

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 187, 2002. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 187, 2002 on May 14, 2002. The proposal, sponsored by Councillor Langsford, approves a transfer of \$12,000 in the 2002 Budget of the County Coroner (County General Fund) to provide funds for data cable expenditures for the building on McCarty Street. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor McWhirter moved, seconded by Councillor Langsford, for adoption. Proposal No. 187, 2002 was adopted on the following roll call vote; viz:

25 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Knox, Langsford, McWhirter, Moriarty, Adams, Sanders, Schneider, SerVaas, Smith, Soards, Talley, Tilford

0 NAYS:

4 NOT VOTING: Horseman, Massie, Nytes, Short

Proposal No. 187, 2002 was retitled FISCAL ORDINANCE NO. 43, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 43, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No.96, 2001) transferring and appropriating an additional Twelve Thousand Dollars (\$12,000) in the County General Fund for purposes of the County Coroner and reducing certain other appropriations for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(d) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Coroner to provide funds for the expenditure of data cables in the new building on McCarty Street.

SECTION 2. The sum of Twelve Thousand Dollars (\$12,000) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>COUNTY CORONER</u>	<u>COUNTY GENERAL FUND</u>
4. Capital Outlay	12,000
TOTAL INCREASE	12,000

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>COUNTY CORONER</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	12,000
TOTAL DECREASE	12,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 192, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 192, 2002 on May 1, 2002. The proposal, sponsored by Councillor Dowden, creates a clerk's cash change fund. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal No. 192, 2002, as amended, was adopted on the following roll call vote; viz:

20 YEAS: Bainbridge, Borst, Boyd, Bradford, Cockrum, Conley, Coonrod, Douglas, Dowden, Gibson, Knox, Langsford, McWhirter, Sanders, Schneider, SerVaas, Short, Smith, Soards, Tilford

0 NAYS:

9 NOT VOTING: Black, Brents, Coughenour, Gray, Horseman, Massie, Moriarty Adams, Nytes, Talley

Proposal No. 192, 2002, as amended, was retitled GENERAL ORDINANCE NO. 56, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 56, 2002

A GENERAL ORDINANCE amending the Revised Code of the Consolidated City and County to create a clerk's cash change fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Chapter 135 of the "Revised Code of the Consolidated City and County" be, and is hereby amended by the addition of a new Division 4 in Article VIII, to read as follows:

DIVISION 4. CLERK'S CASH CHANGE FUND

Sec. 135-841. Created.

Pursuant to IC 36-1-8-2, the council hereby establishes a cash change fund in the amount of Four-Thousand Dollars (\$4,000) to be placed in the custody of the Marion County Clerk or his or her designee. The cash change fund shall be used by the Marion County Clerk's Office to make change when collecting cash revenues.

Sec. 135-842. Administration.

The Four Thousand Dollars (\$4,000) for the Clerk's Cash Change Fund established under Sec. 135-841 shall be paid by a warrant drawn on the appropriate fund in favor of the Clerk without the need for an appropriation. The Clerk shall account for the fund in the same manner as other funds, and shall return the entire fund to the appropriate fund whenever there is a change in the custodian or when the fund is no longer needed.

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Coughenour reported that the Public Works Committee heard Proposal Nos. 195-201 and 203-209, 2002 on May 8, 2002. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 195, 2002. The proposal, sponsored by Councillor Schneider, authorizes a traffic signal for Harcourt Road and Katie Knox Drive (District 3). PROPOSAL NO. 196, 2002. The proposal, sponsored by Councillor Soards, authorizes intersection controls for Dandy Trail and Traders Cove Lane (District 1). PROPOSAL NO. 197, 2002. The proposal, sponsored by Councillor Soards, authorizes intersection controls for Dandy Trail and Cove Court (District 1). PROPOSAL NO. 198, 2002. The proposal, sponsored by Councillor Soards, authorizes intersection controls for Dandy Trail and Sailors Lane, and for Sailors Lane and Watersite Circle (District 1). PROPOSAL NO. 199, 2002. The proposal, sponsored by Councillor Gray, authorizes intersection controls at Downing Drive, Northgate Drive, and Sylvan Drive (District 9). PROPOSAL NO. 200, 2002. The proposal, sponsored by Councillor Short, authorizes a multi-way stop at Clayton Avenue and Gray Street (District 21). PROPOSAL NO. 201, 2002. The proposal, sponsored by Councillors Knox and Borst, authorizes a multi-way stop at Belmont Avenue and Minnesota Street (Districts 17, 25). PROPOSAL NO. 203, 2002. The proposal,

sponsored by Councillor Knox, authorizes parking restrictions on Mount Street from the first alley south of Washington Street to Washington Street (District 17). PROPOSAL NO. 204, 2002. The proposal, sponsored by Councillor Nytes, authorizes parking restrictions on Capitol Avenue near 20th Street (District 22). PROPOSAL NO. 205, 2002. The proposal, sponsored by Councillor Nytes, authorizes parking restrictions on Dorman Street and on New York Street (District 22). PROPOSAL NO. 206, 2002. The proposal, sponsored by Councillor Massie, authorizes parking restrictions on Bacon Street near Stanley Avenue to dead end (District 20). PROPOSAL NO. 207, 2002. The proposal, sponsored by Councillor Gray, authorizes parking restrictions on White River Parkway E. Drive between 30th Street and 38th Street (District 9). PROPOSAL NO. 208, 2002. The proposal, sponsored by Councillors Douglas and Nytes, authorizes a weight limit restriction on Ralston Avenue from 22nd Street to 25th Street (Districts 10, 22). PROPOSAL NO. 209, 2002. The proposal, sponsored by Councillor Brents, authorizes a weight limit restriction on Riverside Drive East, from 18th Street to 29th Street (District 16). By 5-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Coughenour moved, seconded by Councillor Nytes, for adoption. Proposal Nos. 195-201 and 203-209, 2002 were adopted on the following roll call vote; viz:

26 YEAS: Bainbridge, Black, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Talley, Tilford
0 NAYS:
3 NOT VOTING: Borst, Massie, Short

Proposal No. 195, 2002 was retitled GENERAL ORDINANCE NO. 57, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 57, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
3	Harcourt Rd Katie Knox Dr	Harcourt Rd	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
3	Harcourt Rd Katie Knox Dr	None	Signal

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 196, 2002 was retitled GENERAL ORDINANCE NO. 58, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 58, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
8	Dandy Trail Traders Cove Ln	Dandy Trail	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 197, 2002 was retitled GENERAL ORDINANCE NO. 59, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 59, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
8	Cove Ct Dandy Trail	Dandy Trail	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 198, 2002 was retitled GENERAL ORDINANCE NO. 60, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 60, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
8	Dandy Trail Sailors Ln	Dandy Trail	Stop
8	Sailors Ln Watersite Cir	Watersite Cir	Yield

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 199, 2002 was retitled GENERAL ORDINANCE NO. 61, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 61, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
10	Downing Dr 58 th St	58 th St	Yield
10	Downing Dr Northgate Dr	Northgate Dr	Yield
10	Northgate Dr Sylvan Dr	Northgate Dr	Stop
10	Sylvan Dr 58 th St	58 th St	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 200, 2002 was retitled GENERAL ORDINANCE NO. 62, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 62, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
26	Clayton Ave Gray St	Gray St	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
26	Clayton Ave Gray St	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 201, 2002 was retitled GENERAL ORDINANCE NO. 63, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 63, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
11	Belmont Av Minnesota St	Belmont Av	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
11	Belmont Av Minnesota St	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 203, 2002 was retitled GENERAL ORDINANCE NO. 64, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 64, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

Mount Street, on the east side, from a point 195 feet south of Washington Street to Washington Street

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 204, 2002 was retitled GENERAL ORDINANCE NO. 65, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 65, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be and the same is hereby amended by the addition of the following, to wit:

Capitol Avenue, on both sides, from Twentieth Street to a point 50 feet north of Twentieth Street

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 205, 2002 was retitled GENERAL ORDINANCE NO. 66, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 66, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be and the same is hereby amended by the addition of the following, to wit:

Dorman Street, on the east side, from Marlowe Avenue to New York Street

New York Street, on the north side, from a point 145 feet east of Dickson Street to Dorman Street

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 206, 2002 was retitled GENERAL ORDINANCE NO. 67, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 67, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be and the same is hereby amended by the addition of the following, to wit:

Bacon Street, on the north side, from a point 334 feet east of Stanley Avenue to dead-end

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 207, 2002 was retitled GENERAL ORDINANCE NO. 68, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 68, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the deletion of the following, to wit:

White River Parkway E. Drive, on the west side, from 30th Street to a point 453 feet north of 30th Street

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be and the same is hereby amended by the addition of the following, to wit:

White River Parkway E. Drive, on the west side, from 30th Street to 38th Street

White River Parkway E. Drive, on the east side, from River Shore Place to 38th Street

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 208, 2002 was retitled GENERAL ORDINANCE NO. 69, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 69, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-364, Trucks on certain streets restricted.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-364, Trucks on certain streets restricted, be and the same is hereby amended by the addition of the following, to wit:

10,000 POUNDS GROSS WEIGHT

Ralston Avenue, from Twenty-second Street to Twenty-fifth Street

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 209, 2002 was retitled GENERAL ORDINANCE NO. 70, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 70, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-364, Trucks on certain streets restricted.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-364, Trucks on certain streets restricted, be and the same is hereby amended by the addition of the following, to wit:

10,000 POUNDS GROSS WEIGHT

Riverside Drive East, from Eighteenth Street to Twenty-ninth Street

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

NEW BUSINESS

Councillor Boyd asked when Proposal No. 246, 2002, which was introduced this evening, will be heard in the Public Safety and Criminal Justice Committee. Councillor Dowden said that he has not had a chance to review the pending proposals and set an agenda for the next meeting, but will keep Councillor Boyd informed as to when it may be scheduled at an upcoming meeting.

Councillor Langsford said that during the Special Resolution recognizing the Warren Township Clean-up Day, one of the sponsors, Union Planters Bank, was not recognized, and he would like to mention them at this time.

UNFINISHED BUSINESS

Councillor Massie moved, seconded by Councillor Short, to bring Proposal No. 211, 2002 and its pending amendment off the table for further discussion. The motion carried by a unanimous voice vote.

PROPOSAL NO. 211, 2002. The proposal, sponsored by Councillor Massie, establishes the rules for redistricting hearings.

Councillor Massie said that he believes a compromise on the amendment has been reached and with the help of general counsel, and consent of Councillor Short, he asked to amend the amendment by replacing the first sentence in item (h) with the following:

(h) Any redistricting plan containing any proposed district that is greater than 103% or less than 97% of the ideal district size must be accompanied by written comments justifying, with reference to objective criteria, the deviations from population equality.

Councillor Short said that he has no problem with the clarification of his amendment, and he moved to amend Proposal No. 211, 2002 by incorporating Councillor Massie's first sentence into his original amendment, which would read as follows:

(h) Any redistricting plan containing any proposed district that is greater than 103% or less than 97% of the ideal district size must be accompanied by written comments justifying, with reference to objective criteria, the deviations from population equality. The term "ideal district size" refers to the population of Marion County divided by twenty-five (25). The term "deviation from the ideal district size" refers to the amount by which the population of any district is greater than or less than the ideal district size and is expressed as a percentage by dividing the difference between the actual and ideal district sizes by the ideal district size.

Councillor Massie seconded the motion, and Proposal No. 211, 2002 was amended by a unanimous voice vote.

Councillor Horseman asked if passage of this proposal this evening will still be conducive to the schedule set forth in the ordinance. Councillor Massie said that following passage this evening, he will issue a press release tomorrow and training sessions will be offered in the following week, and he hopes to keep the whole process on schedule. Councillor Horseman said that she will support the proposal with the proviso, that if there is some delay, the schedule will be modified to permit adequate public input. Councillor Massie said that he anticipates no further delay.

Councillor Massie moved, seconded by Councillor Dowden, for adoption. Proposal No. 211, 2002, as amended, was adopted on the following roll call vote; viz:

26 YEAS: Bainbridge, Black, Borst, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Tilford
3 NAYS: Boyd, Gray, Talley

Proposal No. 211, 2002 was retitled COUNCIL RESOLUTION NO. 65, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 65, 2002

A COUNCIL RESOLUTION establishing the rules for redistricting hearings.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The following special rules for consideration of Council redistricting plans are hereby adopted:

COUNCIL REDISTRICTING RULES:

RULE 1. PUBLIC PARTICIPATION.

(a) The Committee on Rules and Public Policy shall hold at least two hearings during June and/or July, 2002, to hear testimony on any plans for defining Council district boundaries submitted by interested members of the public.

(b) Prior to the end of the period during which public plans are accepted, the General Counsel and the vendor contracted by the Council to provide for public participation shall conduct at least one seminar for the public regarding the redistricting process and the creation and submission of a plan for consideration by the Committee on Rules and Public Policy.

(c) The General Counsel shall be responsible to produce, with the assistance of the vendor, maps of the current districts to the nearest current precinct lines and population data based on 2000 census figures.

(d) Under the direction of the General Counsel, the vendor contracted by the Council shall provide an internet website that provides information concerning the redistricting process, the submission of redistricting plans by members of the public, a map of the County with current district lines and current precinct lines, a list of the population of Marion County precincts and important dates in the redistricting process.

(e) The General Counsel shall publish at least two notices in one or more papers of general circulation which set forth important dates in the redistricting process and the process by which members of the public can submit comments or proposed redistricting plans to the Committee on Rules and Public Policy.

(f) Only plans submitted by a registered voter in Marion County, Indiana, shall be considered by the Committee on Rules and Public Policy.

(g) Any plan offered by a member of the public must meet the following criteria in order to be considered by the Committee on Rules and Public Policy:

1. It must have been submitted in writing or electronically to the Clerk of the Council at the Council Office during regular business hours between May 19, 2002 and June 19, 2002;

2. The precincts contained in each proposed Council district shall be clearly written on the form provided;
3. Each public plan submitted must stand as a complete County-wide plan for districting, (i.e., all pieces of geography must be accounted for in some district); and
4. The plan must comply completely in all respects with the Redistricting Criteria set forth in Rule 3 of this Resolution¹ and with the instructions attached as Exhibit "A". Any total deviation in excess of 5% from population equality must be justified in writing with reference to objective criteria.

(h) In order to assist in the evaluation of proposed plans each individual submitting a proposed redistricting plan must complete the statistical sheet provided and list:

¹ As described in this Resolution, each plan will be evaluated for:

1. compactness,
 2. population deviation,
 3. respect for current precinct boundary lines,
 4. compliance with the requirements prohibiting discrimination,
 5. respect for communities of interest, and
 6. other relevant criteria.
1. the total population for each proposed district;
 2. the population deviation from the ideal for each district;
 3. verification that the individual submitting the proposed plan is registered to vote in Marion County; and
 4. the name, address and contact information of the individual submitting the proposed plan. (It is essential that contact information be provided as the General Counsel may need to contact members of the public submitting proposed plans if the hearing schedule changes or if it is anticipated that the plan submitted by the voter will not be considered at the first hearing of the Committee on Rules and Public Policy).

(i) A complete set of instructions for publicly submitted plans is set forth as Exhibit "A" to this Resolution and is specifically incorporated herein by reference. The Committee need not consider any plan that fails to comply with the instructions or fails to provide the foregoing information.

(j) The General Counsel shall be responsible to have all redistricting plans submitted to the Committee on Rules and Public Policy subjected to computer verification and statistical analysis prior to the final Committee hearing on the plans.

(k) The Committee on Rules and Public Policy will also receive public input from registered Marion County voters in the form of written comments and testimony regarding: (1) the effectiveness of current Council districts, (2) neighborhoods or other communities of interest that should be given consideration in the redistricting process, (3) any plan proposed by the public or (4) any aspect of the redistricting process. Any registered voter in Marion County desiring to make written comments to the Committee on Rules and Public Policy regarding the redistricting process should submit those comments in writing to the Clerk of the Council in the Council during regular business hours between May 19 and June 19, 2002.

(l) All public plans, written comments and accompanying information shall become the property of the Council upon submission to the Clerk of the Council and any information submitted shall not be returned to the individual submitting the information.

(m) Copies of all public plans, written comments and accompanying information submitted to the Clerk of the Council shall promptly be made and delivered to the leader of the majority and minority caucuses.

(n) The public is invited to attend all meetings of the Council and/or the Committee on Rules and Public Policy at which redistricting issues are considered. A tentative schedule of such meetings is contained in this Resolution.

(o) This Rule 1 applies only to plans submitted by the public and does not apply to plans submitted by councillors.

RULE 2. COMMITTEE HEARINGS AND COUNCIL CONSIDERATION

(a) As set forth above, the Committee on Rules and Public Policy shall hold at least two hearings during June and/or July, 2002, to hear testimony on any plans submitted by members of the general public for defining Council district boundaries.

(b) Following the Council budgeting process and on or about September 17, 2002, the Committee on Rules and Public Policy will hold a public hearing to consider any redistricting plan submitted by either caucus of the Council or which has been introduced as an ordinance at a meeting of the Council and has received the sponsorship of at least two Councillors.

(c) At the September, 2002 hearing of the Committee on Rules and Public Policy the Committee may consider any plan submitted by a member of the public provided such plan has been introduced as an ordinance at a meeting of the Council and has received the sponsorship of at least two Councillors.

(d) At the September, 2002 hearing of the Committee on Rules and Public Policy the Committee shall recommend consideration of one or more redistricting plans to the full Council.

(e) At the Council meeting on or about October 7, 2002, the Council shall consider the report of the Committee on Rules and Public Policy and consider the adoption of an ordinance to draw new Council district boundaries.

(f) A special meeting of the Rules and Public Policy Committee is scheduled for October 22, 2002, to consider any further issues that may relate to the redistricting process.

(g) If necessary, the Council may consider adoption of a redistricting ordinance at its meeting on October 28, 2002.

(h) Any redistricting plan containing any proposed district that is greater than one hundred three percent (103%) or less than ninety-seven percent (97%) of the ideal district size must be accompanied by written comments justifying, with reference to objective criteria, the deviations from population equality. The term "ideal district size" refers to the population of Marion County divided by twenty-five (25). The term "deviation from the ideal district size" refers to the amount by which the population of any district is greater than or less than the ideal district size and is expressed as a percentage by dividing the difference between the actual and ideal district sizes by the ideal district size.

RULE 3. NOTICES

Following the adoption of this Resolution, all meetings of the Council or any Committee at which any action concerning redistricting shall be taken shall be scheduled at least twenty-one (21) days in advance, with individual notice given to each Council member and notices given to the public as required by the Indiana Open Door Law.

SECTION 2. The following hearings and meetings at which redistricting matters will be addressed are hereby scheduled. The Chairman of the Committee on Rules and Public Policy may in his discretion cancel any meeting of such Committee. Redistricting matters need not be considered by the Council at any meeting listed should the Council deem consideration of redistricting matters at that meeting unnecessary.

April 16, 2002	Committee on Rules and Public Policy Committee Meeting/Resolution Outlining Redistricting Process is Considered
April 29, 2002	Council Adopts Redistricting Rules
May 19, 2002	Beginning of Period for Submission of Public Plans to Clerk of the Council
June 19, 2002	Deadline for Submission of Public Plans and Written Comments to the Clerk of the Council
June 25, 2002	Hearing of Committee on Rules and Public Policy Committee to Consider Public Testimony Regarding Public Plans and/or Written Comments
July 16, 2002	Second Hearing of Committee on Rules and Public Policy to Consider Public Testimony Regarding Public Plans and/or Written Comments
July 23, 2002	(if necessary) Third Hearing of Committee on Rules and Public Policy to Consider Public Testimony Regarding Public Plans and/or Written Comments

August 26, 2002	Last Council Meeting at Which Individual Council Members May Introduce Proposals for Redistricting Ordinances for Review by Committee on Rules and Public Policy
September 17, 2002	Hearing of Committee on Rules and Public Policy to Consider Proposals for Redistricting Ordinances
October 7, 2002	Council May Consider Adoption of Redistricting Ordinances
October 22, 2002	Special Hearing of Committee on Rules and Public Policy to Take Any Necessary Further Action on Redistricting Issues (if necessary)
October 28, 2002	Council May Consider Adoption of Redistricting Ordinances

EXHIBIT "A"

INSTRUCTIONS FOR SUBMITTING REDISTRICTING PLANS FOR
INDIANAPOLIS CITY-COUNTY COUNCIL

The procedures for submitting proposed redistricting plans for the Indianapolis City-County Council for review by the Committee on Rules and Public Policy is set forth in this Public Plan Submission Kit. Further explanation is provided on the [insert website address] For your plan to be accepted for consideration these procedures must be strictly followed.

This kit contains the following items:

1. A map of Marion County showing current precinct boundaries.
2. A census boundary map of Marion County showing census block boundaries.
3. A table of existing precincts that details the census block components of the precinct and provides corresponding population statistics.
4. A diskette containing the precinct to census block table as described in 3., above, provided in Excel™ and Lotus 1-2-3™ formats.
5. A copy of the pertinent state statute.
6. A copy of the resolution adopted by the City-County Council pertaining to the redistricting process.
7. Summary forms for submission of a redistricting plan.

Plans must be submitted in writing (note instructions below concerning provided forms) to the Clerk of the Council during regular business hours between May 19, 2002 and June 19, 2002. Plans submitted after this period will not be considered by the Committee on Rules and Public Policy.

CRITERIA FOR SUBMITTED PLANS

Plans must meet the following criteria (rules or minimum requirements) in order to be considered by the Committee on Rules and Public Policy.

1. Any redistricting plan considered by the Committee on Rules and Public Policy and/or the Council shall divide Marion County into twenty-five (25) districts that are compact, respect population equality and do not cross current precinct boundary lines.
2. Any redistricting plan containing a total deviation of more than 5% (calculated by adding the percentage deviation from the ideal from the most populous district to the percentage deviation from the ideal of the least populous district) must include a written justification for the deviation which refers to objective reasons for the population deviation in order to be considered by the Committee on Rules and Public Policy.
3. In drafting proposed redistricting plans Council members and members of the public are encouraged to consider and respect natural communities of interest such as neighborhoods, natural and manmade boundaries and political subdivisions in drawing district lines.

4. No redistricting plan shall be considered which purposely, or in practice, discriminates against any racial or ethnic minority group.

SUBMISSION OF PLANS

Plans submitted for review should be complete plans which provide twenty-five Council districts and should include the following items:

1. Detailed Description

The plan should be described by listing the precincts assigned to each district. The plan may use the provided form to enter the district assignments, or precinct assignments may be entered on the spreadsheet provided on the diskette.

2. Summary Sheet

The summary sheet enclosed in the Public Plan Submission Kit should be completed, dated and signed by the submitter.

NEW BUSINESS

Councillor Massie stated that the Rules and Public Policy Committee meeting scheduled for tomorrow evening, May 21, 2002 has been cancelled. He said that the only agenda items were two appointments, and one appointee cannot attend, and the other appointment does not expire and therefore is not urgent.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Tilford in memory of Glenn Monroe; and
- (2) Councillor Talley in memory of Johnny Williams; and
- (3) Councillor Gibson in memory of Robert D. Beard; and
- (4) Councillors Short and Boyd in memory of Richard Nutall; and
- (5) Councillor Short in memory of Carrie Lewis Street; and
- (6) Councillor Smith in memory of Kay Gregory; and
- (7) Councillors Schneider, Coonrod, Boyd, Soards, and Coughenour in memory of Barbara Burton; and
- (8) Councillor Boyd in memory of Richard Laswell and Frances C. Martin.

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Glenn Monroe, Johnny Williams, Robert D. Beard, Richard Nutall, Carrie Lewis Street, Kay Gregory, Barbara Burton, Richard Laswell, and Frances C. Martin. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:12 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 20th day of May, 2002.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.



President

ATTEST:



Clerk of the Council

(SEAL)

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, JUNE 3, 2002**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:12 p.m. on Monday, June 3, 2002, with President SerVaas presiding.

Councillor Conley led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

28 PRESENT: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford
1 ABSENT: Langsford

A quorum of twenty-eight members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Bradford thanked the Marion County Cooperative Extension Service for hosting a dinner for Councillors preceding this meeting. He recognized Maryann Dickason, executive director, and his mother, Jean Bradford, director. He also recognized citizen Ann Truitt and her family and the Brightwood 4-H Club. Councillor Black introduced Ramona Baker, Indianapolis Arts Council. Councillor Douglas recognized Sue Shively, Center Township board member.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, June 3, 2002, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Beurt SerVaas
President, City-County Council

May 21, 2002

TO PRESIDENT SERVAAS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* on Wednesday May 22, 2002, and in the *Indianapolis Star* on Thursday, May 23, 2002, a copy of a Notice of Public Hearing on Proposal Nos. 237-242, 2002, said hearing to be held on Monday, June 3, 2002, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Suellen Hart
Clerk of the City-County Council

May 31, 2002

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Suellen Hart, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 40, 2002 - approves an appropriation of \$85,899 in the 2002 Budget of the Department of Public Safety, Emergency Management Planning Division (Consolidated County Fund) to add one Deputy Administrator and one Senior Coordinator, along with some associated operating costs, financed by fund balances and partial reimbursement from the State Emergency Management Agency

GENERAL ORDINANCE NO. 56, 2002 - creates a clerk's cash change fund

GENERAL ORDINANCE NO. 57, 2002 - authorizes a traffic signal for Harcourt Road and Katie Knox Drive (District 3)

GENERAL ORDINANCE NO. 58, 2002 - authorizes intersection controls for Dandy Trail and Traders Cove Lane (District 1)

GENERAL ORDINANCE NO. 59, 2002 - authorizes intersection controls for Dandy Trail and Cove Court (District 1)

GENERAL ORDINANCE NO. 60, 2002 - authorizes intersection controls for Dandy Trail and Sailors Lane, and for Sailors Lane and Watersite Circle (District 1)

GENERAL ORDINANCE NO. 61, 2002 - authorizes intersection controls at Downing Drive, Northgate Drive, and Sylvan Drive (District 9)

GENERAL ORDINANCE NO. 62, 2002 - authorizes a multi-way stop at Clayton Avenue and Gray Street (District 21)

June 3, 2002

GENERAL ORDINANCE NO. 63, 2002 - authorizes a multi-way stop at Belmont Avenue and Minnesota Street (Districts 17, 25)

GENERAL ORDINANCE NO. 64, 2002 - authorizes parking restrictions on Mount Street from the first alley south of Washington Street to Washington Street (District 17)

GENERAL ORDINANCE NO. 65, 2002 - authorizes parking restrictions on Capitol Avenue near 20th Street (District 22)

GENERAL ORDINANCE NO. 66, 2002 - authorizes parking restrictions on Dorman Street and on New York Street (District 22)

GENERAL ORDINANCE NO. 67, 2002 - authorizes parking restrictions on Bacon Street near Stanley Avenue to dead end (District 20)

GENERAL ORDINANCE NO. 68, 2002 - authorizes parking restrictions on White River Parkway E. Drive between 30th Street and 38th Street (District 9)

GENERAL ORDINANCE NO. 69, 2002 - authorizes a weight limit restriction on Ralston Avenue from 22nd Street to 25th Street (Districts 10, 22)

GENERAL ORDINANCE NO. 70, 2002 - authorizes a weight limit restriction on Riverside Drive East, from 18th Street to 29th Street (District 16)

SPECIAL RESOLUTION NO. 31, 2002 - welcomes Mexican Consul, Honorable Sergio Aquilera, to Indianapolis

SPECIAL RESOLUTION NO. 33, 2002 - recognizes the Warren Pride Cleanup Day when 1,265 people removed over 15 tons of trash

SPECIAL RESOLUTION NO. 34, 2002 - recognizes the April 27, 2002, Rebuilding Together Indianapolis housing revitalization blitz

SPECIAL RESOLUTION NO. 35, 2002 - recognizes the June 21-22, 2002, African Unity Festival which is organized by African Community International, Inc.

SPECIAL RESOLUTION NO. 36, 2002 - recognizes the Beech Grove Police Department for earning Accreditation status by the Commission on Accreditation for Law Enforcement Agencies

SPECIAL RESOLUTION NO. 37, 2002 - recognizes Captain Dudley Taylor of the Indianapolis Fire Department for his initiative in promoting cryogenic technology with fire truck brakes

SPECIAL RESOLUTION NO. 38, 2002 - recognizes the Indiana School for the Blind Sidewalk Project

Respectfully,
s/Bart Peterson, Mayor

May 16, 2002

Bob Elrod
c/o City-County Council

Dear Mr. Elrod:

This letter is to notify you that the Indiana State Fire Prevention & Building Commission has approved the revised City County General Ordinance No. 43, 2002, Chapter 591, Fire Prevention and Protection at its monthly meeting of May 8, 2002.

Sincerely,
s/Joseph M. Anderson, Fire Chief
Washington Township Fire Department

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of May 20, 2002. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 279, 2002. The proposal, sponsored by Councillors Horseman, Gray, and Brents, remembers the life of Mary A. Artist. Councillor Horseman read the proposal and presented representatives with copies of the document and Council pins. Councillors Black, Gray, and Brents and State Senator Glenn Howard recognized Mrs. Artist's accomplishments and added that she would be sorely missed. Friends Sue Shively and Thelma Barnett, daughter Carol Rotlin, and husband Neal Artist thanked the Council for the recognition on behalf of Mrs. Artist. Councillor Horseman moved, seconded by Councillor Gray, for adoption. Proposal No. 279, 2002 was adopted by a unanimous voice vote.

Proposal No. 279, 2002 was retitled SPECIAL RESOLUTION NO. 39, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 39, 2002

A SPECIAL RESOLUTION remembering the life of Mary A. Artist.

WHEREAS, Mary A. Artist had two distinct adult careers, the first as a 33 year worker and a union steward at the former Western Electric plant, and then her second life as an involved neighborhood activist; and

WHEREAS, she was President of the United Northwest Area, Inc., otherwise known as UNWA, and served on the UNWA Board of Directors, was Chair of the UNWA Weed and Seed Steering Committee and was active in UNWA's High School Truancy Project, Hot Lunch Program and their Senior Club; and

WHEREAS, Mrs. Artist was also on the Watkins Park Advisory Council, served as President of the Riverside Civic League, served as a member of the Indianapolis Neighborhood Empowerment Initiative, the Blackburn Center Development Board, and was the 5th Ward Democrat Chair; and

WHEREAS, she led a full life, always working to serve and promote the residents of the northwest side of Indianapolis, her family and anyone who came to her for assistance, and laughed at those who say they did know what they'll do when they retired; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council pauses to remember the very busy, active and full life of Mary A. Artist, and the many, many contributions she made to this city, her neighborhood and her family.

SECTION 2. The Council expresses its condolences to her husband Neal Artist, to her children Carol Ann Rutland and Paul D. Rice, and to her grandchildren and great-grandchildren. Their loss is a loss felt by an entire city and this Council.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 280, 2002. The proposal, sponsored by Councillors Horseman, Conley, Gibson, Sanders, and Nytes, commends Doug Sword for his professional work as City Hall reporter for *The Indianapolis Star*. Councillor Sanders read the proposal and presented Mr.

Sword with a copy of the document and a Council pin. Mr. Sword thanked the Council for the recognition and said that he has covered Congress and the State House, and covering the City news was the most rewarding for him. Councillor Sanders moved, seconded by Councillor Horseman, for adoption. Proposal No. 280, 2002 was adopted on the following roll call vote; viz.

26 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Horseman, Knox, Massie, McWhirter, Moriarty, Adams, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Talley, Tilford
1 NAY: Short
1 NOT VOTING: Gray
1 ABSENT: Langsford

Proposal No. 280, 2002 was retitled SPECIAL RESOLUTION NO. 40, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 40, 2002

A SPECIAL RESOLUTION commending Doug Sword for his professional work as city hall reporter for "The Indianapolis Star".

WHEREAS, Doug Sword worked for "The Indianapolis Star" for two years covering the State House as a regulatory affairs reporter before moving to the east end of Market Street as city hall reporter during the past three years; and

WHEREAS, he is a Cincinnati native, who has a Bachelor's Degree *cum laude* in business finance from the University of Maryland—whose Terrapins deprived Indiana University from being able to hang a sixth national basketball championship banner in Assembly Hall; and

WHEREAS, Doug took a special interest in business and governmental finance reporting, starting with the "Cincinnati Business Courier" in 1984, and from there to the "Evansville Courier", and then the big time in Washington, D.C. with the Scripps Howard News Service; and

WHEREAS, in the mid-1990's he left the Potomac River to return to the Ohio River city of Evansville where he covered the Statehouse beat, and while in Indy, he jumped ship to the local Indianapolis newspaper where he won the Clarity in Reporting Award from the American Waterworks Association; and

WHEREAS, during Doug's city hall years he was known for his excellent grasp of budgets, government spending and he left the City-County Building with a farewell story on city inventory control that saw the bureaucrats scrambling in a lost-and-found mad search to document lost objects; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council commends the accurate and insightful reporting by newspaper reporter Doug Sword.

SECTION 2. The Council wishes Doug the best of success when he decides to reenter the world of work from his self-imposed sabbatical.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 265, 2002. Introduced by Councillors McWhirter, Horseman, Sanders, and Soards. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends various sections of Chapter 996 of the Revised Code regarding the regulations of the taxicab and

limousine industries by the City"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 266, 2002. Introduced by Councillors Cockrum and Douglas. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves certain public purpose grants totaling \$1,250,000 for the support of the arts"; and the President referred it to the Parks and Recreation Committee.

Councillor Cockrum moved, seconded by Councillor Douglas, to suspend the Rules of the Council and vote on Proposal No. 266, 2002 this evening. He said that this proposal has already been heard in Committee, although the proposal had not yet been properly introduced. The Rules were suspended by a unanimous voice vote.

Proposal No. 266, 2002. Councillor Cockrum reported that the Parks and Recreation Committee heard Proposal No. 266, 2002 on May 23, 2002. The proposal, sponsored by Councillors Cockrum and Douglas, approves certain public purpose grants totaling \$1,250,000 for the support of the arts. By a unanimous vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Bradford said that an exhibit attached to the minutes from the Parks meeting shows a list of \$236,000 in various project grant programs, guide workshops, and technical programs, but these programs and other costs are not itemized, and he would like to see where those dollars are going. Ramona Baker, director of the Indianapolis Arts Council, said that this is the same process as followed in the past, with 90% of the grants recommended and allocated. She said that the project grant program consists of small grants ranging from \$750 to \$1,000 and are allocated later in the year, and have not yet been received this year. She added that the arts initiatives, resource guides, workshops, and special initiatives include fund-raising workshops, grant-writing workshops, and copyright law workshops. She said these funds are also used to publish the guide on arts education programs distributed throughout the City. The technical assistance programs consist of grants to small and mid-size arts organizations based on needs and recommendations from the staff to keep them administratively strong, such as through auditing and strategic plan consulting. The adjudication and panel costs are self-explanatory, as out-of-state panelists are brought in to determine grant awards in order to avoid conflicts of interest. The administrative costs are less than 8% of the overall figure, and represents staff costs in the Arts Council office and administrative costs of running the program and overseeing the contracts. These costs also include funds for auditors. Ms. Baker said that the Council receives a very detailed breakdown and a report every year of how these funds are awarded and used. Councillor Bradford said that he does not remember receiving this breakdown. Ms. Baker said that this list is usually distributed in February. Councillor Bradford said that he wants to insure that the money is going to actual projects and not for administrative costs for the Arts Council, which could be raised in other ways. Ms. Baker said that the Arts Council is pleased to be doing this service for the City, and she is honored to be working with a staff that has a great level of professionalism and knowledge. Councillor Bradford said that there are some great arts organizations who could use these funds and he would rather see the money go to help them, than towards administrative costs.

Councillor Horseman asked if the arts initiatives, arts education programs, and arts education resource guide are all arts-related activities and therefore not administrative costs. Ms. Baker said that this is correct. Councillor Horseman asked if the technical assistance program is used to assist the arts groups. Ms. Baker said that this is correct, and that money is used for organizations that need some planning or auditing help, and are not administrative funds. Councillor Horseman

said that these programs are helping the arts organizations be good business people and she believes this is also important.

Councillor Schneider asked what the administrative costs were in 2000 and 2001. Ms. Baker said that both years, the administrative costs were less than 8%. Councillor Schneider asked if this is calculated as a percentage of the grant amount. Ms. Baker said that it is not, but the Arts Council made a commitment not to go over 15% and has never spent more than 8%. Councillor Schneider asked if administration is funded as a percentage of the grant amount. Ms. Baker said it is not funded in that way, and these are simply costs. Councillor Schneider said that the grant amounts have gone up a quarter of a million dollars in the last two years. Ms. Baker said that the administrative costs have also risen, but have still never grown above 8%. Councillor Schneider said that this indicates that the administrative costs are somewhat tied to a percentage of the total grant. Ms. Baker said that as the Arts Council administers more money, signs more contracts, and works with more organizations, the administrative costs do increase.

Councillor Cockrum said that the budget was amended last year to allow internal audit to audit these grants, and this audit is planned shortly and may provide more information.

Councillor Massie said that he would like to be noted as an abstention on Proposal No. 266, 2002 to avoid the appearance of a conflict of interest.

Councillor Cockrum moved, seconded by Councillor Douglas, for adoption. Proposal No. 266, 2002 was adopted on the following roll call vote; viz:

23 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Douglas, Gibson, Gray, Horseman, Knox, McWhirter, Moriarty Adams, Nytes, Sanders, SerVaas, Short, Soards, Talley, Tilford
4 NAYS: Coughenour, Dowden, Schneider, Smith
1 NOT VOTING: Massie
1 ABSENT: Langsford

Proposal No. 266, 2002 was retitled GENERAL RESOLUTION NO. 3, 2002, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 3, 2002

PROPOSAL FOR A GENERAL RESOLUTION approving certain public purpose grants totaling \$1,250,000 for the support of the arts.

WHEREAS, the City-County Council of the Consolidated City of Indianapolis and Marion County, Indiana ("City-County Council") appropriated the sum of One Million, Two Hundred and Fifty Thousand Dollars (\$1,250,000) in Section 4(d) of City-County Fiscal Ordinance No. 95, 2001, Annual Budget of the Consolidated City of Indianapolis (Budget Ordinance) for funding arts grants to be made by the Arts Council of Indianapolis and provided that such grants shall be considered public purpose local grants; and

WHEREAS, Section 4(c) of the Budget Ordinance requires that sums appropriated therein for public purpose local grants shall not be spent until the City-County Council approves the amount and identity of the recipient of each grant; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The following grants and administrative expenses totaling One Million, Two Hundred and Fifty Thousand Dollars (\$1,250,000.00) for support of the arts is approved in the following amounts for the following organizations:

Journal of the City-County Council

*Arts Council of Indianapolis
2002 Annual Grants Program
Community Outreach and Arts Education Initiatives*

Organization Name	Award Amount
African Community International	\$ 2,000
American Pianists Association	23,000
At Your School, Inc.	5,000
Ballet Internationale	18,000
Children's Museum of Indianapolis	80,000
Clowes Memorial Hall	28,000
Crown Hill Heritage Foundation, Inc.	3,000
Dance Kaleidoscope	36,000
Eiteljorg Museum of American Indians and Western Art	60,000
Festival Music Society	4,000
Freetown Village	23,000
Gregory Hancock Dance Theatre	6,500
Heartland Film Festival	19,000
Hoosier Salon Patrons Association	6,000
Indiana Black Expo	19,000
Indiana Repertory Theatre	60,000
Indianapolis Art Center	40,000
Indianapolis Arts Chorale	5,000
Indianapolis Baroque Orchestra	3,000
Indianapolis Chamber Orchestra	32,000
Indianapolis Children's Choir	22,000
Indianapolis Civic Theatre	36,000
Indianapolis Museum of Art	70,000
Indianapolis Opera	30,000
Indianapolis Symphonic Band	4,500
Indianapolis Symphonic Choir	18,000
Indianapolis Symphony Orchestra	80,000
Indy Choruses	3,000
International Violin Competition of Indianapolis	33,000
League of Indianapolis Theatres	1,500
Madame Walker Theatre Center	44,000
Martin Luther King Multi Service Center	7,000
National Art Museum of Sport	1,000
New World Youth Orchestras	6,000
Philharmonic Orchestra of Indianapolis	4,500
Phoenix Theatre	42,000
Pike Performing Arts Center	4,000
President Benjamin Harrison Home	3,000
ShadowApe Theatre Company	5,000
South East Neighborhood Development, Inc.	2,000
Storytelling Arts of Indiana	15,000
Susurrus	4,000
Urban Arts Consortium of Indianapolis	11,000
VSA arts of Indiana	38,000
WFYI Teleplex	11,000
Writers' Center of Indiana	2,000
Young Audiences of Indiana	44,000
Total of Community Outreach and Arts Education Grants	\$1,014,000

*Arts Council of Indianapolis
Distribution of 2002 City Arts Funding*

Grants for Community Outreach and Arts Education Initiatives (see breakdown)	\$1,014,000
Community Arts Programs	15,000
Arts Initiatives: Arts Education Programs and Arts Education Resource Guide	32,000
Technical Assistance Programs	60,000

Adjudication and Panel Costs	23,910
Administration of Grants Program, Contracts, Administration, Audits, Processing, Workshops, Printing, and Promotion of Grants	<u>105,590</u>
Total of 2002 Arts Funding as Line Item through Indy Parks and Recreation	\$1,250,000

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 267, 2002. Introduced by Councillors Dowden, Moriarty Adams, Smith, Soards, and Talley. The Clerk read the proposal entitled: "A Proposal for a Police Special Service District Fiscal Ordinance which approves a re-appropriation of \$1,411,603 in the 2002 Budget of the Department of Public Safety, Police Division (Federal Grants and Police General Funds) for a variety of community policing initiatives, youth programs, and law enforcement equipment, financed by federal and local grants"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 268, 2002. Introduced by Councillors Dowden and Soards. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$10,624 in the 2002 Budgets of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to provide salary support for the Metro Drug Task Force"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 269, 2002. Introduced by Councillors Dowden, Smith, and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$3,000 in the 2002 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to provide salary support for an IVRP (Indianapolis Violence Reduction Partnership) coordinator, funded by a state grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 270, 2002. Introduced by Councillors Dowden, Smith, and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$350,000 in the 2002 Budget of Community Corrections (Home Detention Fund) to compensate the County for the housing of felons in the Corrections Center Component, financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 271, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$316,142 in the 2002 Budget of Community Corrections (State and Federal Grants Fund) to appropriate carryover funds from FY 1999/2000 and FY 2000/2001 from adult and juvenile programs to compensate the County for the housing of felons in the Corrections Center Component"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 272, 2002. Introduced by Councillors Dowden, Smith, and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$182,775 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) to provide funding for a mental health component, funded by a state grant (Indiana Department of Correction Community Corrections Grant Program)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 273, 2002. Introduced by Councillors Dowden, Smith, and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$22,792 in the 2002 Budget of Community Corrections (Home Detention Fund) to pay the rent and telephone expenses for an office at the Forest Manor Multi-Service Center, financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 274, 2002. Introduced by Councillors Talley and Soards. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which regulates the city's dog and cat populations through (1) the requirement of an annual registration for dogs and cats which are not spayed or neutered, (2) an increase in fines imposed for unaltered dogs and cats running at large, and (3) the establishment of a spay/neuter special projects fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 275, 2002. Introduced by Councillors Coughenour and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$755,000 in the 2002 Budget of the Department of Public Works, Operations Division (Consolidated County Fund) to fund the expansion of the Abandoned Vehicle Program to process vehicles from private property, financed by fund balances"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 276, 2002. Introduced by Councillors Coughenour and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$615,000 in the 2002 Budget of the Department of Public Works, Engineering Division (Storm Water Management Fund) to continue the stormwater billing system and finance a contract for account review services, financed by fund balances"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 277, 2002. Introduced by Councillor Knox. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal for Airport Expressway, Bradbury Access, and Stout Field East Drive (District 17)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 278, 2002. Introduced by Councillors Horseman, Black, Brents, Conley, Nytes, and Sanders. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends various sections of Chapter 291 of the Revised Code regarding employee health benefits"; and the President referred it to the Rules and Public Policy Committee.

President SerVaas said that the original agenda indicated Proposal No. 278, 2002 would be referred to the Administration and Finance Committee, but after further review, feels that it is a policy issue and should be heard by the Rules and Public Policy Committee. He said that he has spoken with Councillor Horseman regarding this change, and after assuring her a prompt hearing, she has agreed to the referral.

Councillor Cockrum stated that Proposal No. 210, 2002 which was adopted as Fiscal Ordinance No. 42, 2002 at the May 20th meeting needs a technical amendment. He moved, seconded by Councillor Massie, to reconsider Proposal No. 210, 2002. The motion to reconsider carried by a unanimous voice vote.

Councillor Cockrum made the following motion:

Mr. President:

I move that Fiscal Ordinance No. 42, 2002 (Proposal No. 210, 2002), Section 1, line two, be amended by changing the year of the City-County Annual Budget from 2001 to 2002.

Councillor Gray seconded the motion. Proposal No. 210, 2002 was amended by a unanimous voice vote.

Councillor Cockrum moved, seconded by Councillor Knox, to adopt Proposal No. 210, 2002, as amended. Proposal No. 210, 2002, as amended, was adopted on the following roll call vote; viz:

21 YEAS: Bainbridge, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Douglas, Dowden, Gibson, Horseman, Knox, McWhirter, Moriarty Adams, Nytes, Sanders, SerVaas, Smith, Soards, Tilford
0 NAYS:
7 NOT VOTING: Black, Coughenour, Gray, Massie, Schneider, Short, Talley
1 ABSENT: Langsford

Proposal No. 210, 2002, as amended, was retitled FISCAL ORDINANCE NO. 42, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 42, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) transferring and appropriating Two Hundred Ninety Thousand One Hundred Seventeen Dollars (\$290,117) in the Federal Grants Fund and the Park General Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Federal Grants Fund and reducing certain other appropriations in the Park General Fund for that department.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (l) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to continue the after-school programs for the 2001-2002 school year at Forest Manor School and School 108 and to provide additional monitoring of wells at the Pleasant Run and Sarah Shank golf courses.

SECTION 2. The sum of Two Hundred Ninety Thousand One Hundred Seventeen Dollars (\$290,117) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances and by reducing the accounts as shown in Section 4

SECTION 3. The following increased appropriation is hereby approved:

DEPARTMENT OF PARKS AND RECREATION

1. Personal Services
2. Materials and Supplies
3. Other Services and Charges
4. Capital Outlay
- TOTAL INCREASE

FEDERAL GRANTS FUND

60,240
18,941
147,783
2,913
229,877

DEPARTMENT OF PARKS AND RECREATION

3. Other Services and Charges
- TOTAL INCREASE

PARK GENERAL FUND

60,240
60,240

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>229,877</u>
TOTAL DECREASE	229,877
<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
1. Personal Services	<u>60,240</u>
TOTAL DECREASE	60,240

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 281, 2002 and PROPOSAL NOS. 282-286, 2002. Introduced by Councillor Smith. Proposal No. 281, 2002 and Proposal Nos. 282-286, 2002 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on May 29, 2002. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 67-72, 2002, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 67, 2002.

2002-ZON-810

4701 GEORGETOWN ROAD (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 9.

PORTRAIT HOMES, LLC, by Joseph M. Scimia, requests a rezoning of 10.33 acres, being in the D-A and D-6II Districts, to the D-6II classification to provide for multi-family residential development.

REZONING ORDINANCE NO. 68, 2002.

2002-ZON-042

2342 WEST 86TH STREET (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 3.

O'MALIA INVESTMENT COMPANY, L.P., by Brian J. Tuohy, requests a rezoning of 4.106 acres, being in the D-7 and C-3 Districts, to the C-3 classification to legally establish a supermarket.

REZONING ORDINANCE NO. 69, 2002.

2002-ZON-043

501 NORTH NEW JERSEY STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22.

GREATER INDIANAPOLIS. FIREFIGHTERS CREDIT UNION requests a rezoning of 0.286 acre, being in the C-S (RC) District, to the CBD-2 (RC) classification to provide for central business district uses.

REZONING ORDINANCE NO. 70, 2002.

2002-ZON-045

3820 and 3850 SOUTH FOLTZ STREET (approximate address), INDIANAPOLIS.

DECATUR TOWNSHIP, COUNCILMANIC DISTRICT # 19.

DECATUR TOWNSHIP, by Philip C. Thrasher, requests a rezoning of 1.638 acres, being in the D-A (FF) District to the SU-9 (FF) classification to provide for a new fire station and a small claims court.

REZONING ORDINANCE NO. 71, 2002.

2002-ZON-046 (2002-DP-003)

1260 NORTH POST ROAD and 8850 SPOON DRIVE (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13.

GREENTREE AT POST, LLC, by Joseph M. Scimia, requests a rezoning of 1.843 acres, being in the D-A and D-P Districts, to the D-P classification to provide for a medical office.

REZONING ORDINANCE NO. 72, 2002.

2002-ZON-820

501 STOVER AVENUE (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 20.

DONALD B. SCHOFIELD, by Lawrence M. Lunn, requests a rezoning of 0.39 acre, being in the D-3 District, to the C-1 classification, to provide for office use.

PROPOSAL NO. 264, 2002. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 264, 2002 on May 29, 2002. The proposal, sponsored by Councillor Smith, is an inducement resolution for Tomahawk Village Apartments (to be renamed Country Club Commons Apartments) in an amount not to exceed \$10,000,000 which project consists of the acquisition and rehabilitation of an existing 200-unit apartment complex located on an approximately 13.395 acre parcel of land at 7801 W. 10th Street (District 18). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Moriarty Adams stated that she will abstain from voting on Proposal No. 264, 2002 to avoid the appearance of a conflict of interest.

Councillor Smith moved, seconded by Councillor McWhirter, for adoption. Proposal No. 264, 2002 was adopted on the following roll call vote; viz:

24 YEAS: Bainbridge, Black, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Horseman, Knox, Massie, McWhirter, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Talley, Tilford

0 NAYS:

4 NOT VOTING: Borst, Gray, Moriarty Adams, Short

1 ABSENT: Langsford

Proposal No. 264, 2002 was retitled SPECIAL RESOLUTION NO. 41, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 41, 2002

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana (the "Issuer") is authorized by IC 36-7-11.9 and IC 36-7-12 (collectively, the "Act") to issue revenue bonds for the financing of economic development, the funds from said financing to be used for the acquisition, rehabilitation, construction, installation and equipping of said facilities, and said facilities to be either sold or leased to a company or the proceeds of the revenue bond issue may be loaned to the company and said facilities directly owned by the Company; and

WHEREAS, Country Club Commons - HFAH, LLC or its assigns (the "Applicant"), has advised the Indianapolis Economic Development Commission (the "Commission") and the Issuer that it proposes

that the Issuer either acquire certain economic development facilities and sell or lease the same to Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities to consist of the acquisition and rehabilitation of the existing 200-unit Tomahawk Village Apartments (anticipate to be renamed Country Club Commons Apartments) located on an approximately 13.395 acre parcel of land at 7801 West 10th Street, Indianapolis, Indiana (the "Project"); and

WHEREAS, the diversification of industry and the creation and retention of opportunities for gainful employment and the creation of business opportunities to be achieved by the achieved by the acquisition and rehabilitation of the Project will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens;

WHEREAS, it would appear that the financing of the Project would be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and rehabilitation of the Project will not have an adverse competitive effect on similar facilities already constructed or operating within the jurisdiction of the Issuer; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA

SECTION 1. It finds, determines, ratifies and confirms that the diversification of industry and the retention of opportunities for gainful employment within the jurisdiction of the Issuer, is desirable, serves a public purpose, and is of benefit to the health or general welfare of the Issuer; and that it is in the public interest that this Issuer take such action as it lawfully may to encourage the diversification of industry, the creation of business opportunities, and the creation and retention of opportunities for gainful employment within the jurisdiction of the Issuer.

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed \$10,000,000 under the Act to be privately placed or publicly offered if permitted under current Commission policy for the acquisition and rehabilitation of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition and rehabilitation of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition and rehabilitation of the Project, this Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement resolution expires on December 31, 2002, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by this Council prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action, extends the term of this inducement resolution; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds (a) this inducement resolution is still in effect and (b) if applicable, the aggregate amount of private activity bond limit for such calendar year, it being understood that the Issuer, by taking this action, is not making any representation nor any assurances that (1) any such allocable limit will be available, because inducement resolutions in the aggregate amount in excess of the private activity bond limit may, and in all probability will, be adopted; (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions; and (3) no portion of such activity bond limit has been guaranteed for the proposed Project; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the date which is sixty (60) days prior to the adoption of this resolution, including reimbursement or repayment to the Applicant of monies expended by the Applicant for application fees, planning, engineering, underwriting expenses, attorney and bond counsel fees, and acquisition and rehabilitation of the Project will be permitted to the Applicant or loan the

proceeds of the revenue bonds to the Applicant for the Project. Also certain indirect expenses incurred prior to such date will be permitted to be included as part of the bond issue to finance the Project in accordance with the Final Regulations (T 8476) on Arbitrage Restrictions on Tax-Exempt Bonds in particular Section 1.150-2.

SECTION 5. This Council recognizes that the Applicant intends to utilize Tax Credits, if available, pursuant to Section 42 of the Internal Revenue Code of 1986, as amended, or any successor section thereof, in connection with the financing of the Project with tax-exempt bonds.

SECTION 6. The Council hereby finds and determines that the amount of tax credits to be allocated to the Project under Section 42 of the Internal Revenue Code of 1986, as amended, does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, the Issuer has relied upon representations of the Applicant. The foregoing determinations shall not be construed to be a representation or warranty by the Issuer as to the feasibility or viability of the Project. The Mayor of the City of Indianapolis (the "Mayor") is hereby directed to delegate to the Director, Department of Metropolitan Development, the authority to execute on behalf of the Mayor and the Issuer any and all documents required in the application process for tax credit or volume cap allocations from the appropriate State of Indiana agency. In reliance upon the representations of the Applicant, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan.

SECTION 7. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 188, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 188, 2002 on May 1 and May 22, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$220,240 in the 2002 Budgets of the County Auditor and the Marion County Public Defender Agency (State and Federal Grants Fund) to fund advocate alternative sentencing options and a Mental Health Coordinator, funded by a grant from the Indiana Criminal Justice Institute (Local match of \$73,413 is funded by the following existing appropriations: \$60,042 in the Marion County Public Defender Agency General Fund budget and \$13,371 from an outside agency [Midtown Mental Health].). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Schneider said that there was a lot of discussion in Committee regarding a graduated decrease in grant funding and an increase in corresponding City or County funding, and he said that he will be looking at this closely in the future.

President SerVaas called for public testimony at 7:59 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Talley, for adoption. Proposal No. 188, 2002 was adopted on the following roll call vote; viz:

25 YEAS: Bainbridge, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Horseman, Knox, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford

0 NAYS:

3 NOT VOTING: Black, Gray, Massie

1 ABSENT: Langsford

Proposal No. 188, 2002 was retitled FISCAL ORDINANCE NO. 44, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 44, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97 2001) appropriating an additional Two Hundred Twenty Thousand Two Hundred Forty Dollars (\$220,240) in the State and Federal Grants Fund for purposes of the County Auditor and the Marion County Public Defender Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (b) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and the Marion County Public Defender Agency to fund advocate alternative sentencing options and a Mental Health Coordinator who identifies incarcerated mentally ill offenders and responds to Court and Public Defender requests to evaluate and recommend treatment if needed and to determine competency.

SECTION 2. The sum of Two Hundred Twenty Thousand Two Hundred Forty Dollars (\$220,240) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - fringes	33,615
<u>PUBLIC DEFENDER AGENCY</u>	
1. Personal Services	120,054
3. Other Services and Charges	64,971
4. Capital Outlay	1,600
TOTAL INCREASE	220,240

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	220,240
TOTAL REDUCTION	220,240

SECTION 5. The local match of \$73,413 is funded by the following existing appropriations: \$60,042 in the Public Defender Agency General Fund budget and \$13,371 from an outside agency (Midtown Mental Health).

Existing appropriation for the Marion County Public Defender Agency:

	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	60,042
TOTAL	60,042

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor McWhirter asked for consent to hear Proposal No. 238, 2002 before Proposal No. 237, 2002 because of an amendment made in Committee which affects Proposal No. 237, 2002. Consent was given.

PROPOSAL NO. 238, 2002. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 238, 2002 on May 28, 2002. The proposal, sponsored by Councillors Langsford, Boyd, Nytes, and Sanders, approves an appropriation of \$74,514 in the 2002 Budget of the Office of Corporation Counsel (Federal Grants Fund) to fund a Community Prosecutor and Paralegal to work in partnership with law enforcement and community groups on a full-time basis in order to enhance coordination between the City Prosecutor's Office, law enforcement and the community in addressing public safety and quality of life issues, financed by a federal grant. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:01 p.m. There being no one present to testify, Councillor McWhirter moved, seconded by Councillor Boyd, for adoption. Proposal No. 238, 2002 was adopted on the following roll call vote; viz:

24 YEAS: Bainbridge, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coughenour, Douglas, Gibson, Horseman, Knox, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford
 0 NAYS:
 4 NOT VOTING: Black, Coonrod, Dowden, Gray
 1 ABSENT: Langsford

Proposal No. 238, 2002 was retitled FISCAL ORDINANCE NO. 45, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 45, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating an additional Seventy-four Thousand Five Hundred Fourteen Dollars (\$74,514) in the Federal Grants Fund for purposes of the Office of Corporation Counsel, and reducing the unappropriated and unencumbered balance in the Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
 CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(e) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated to fund a Community Prosecutor and Paralegal to work in partnership with law enforcement and community groups on a full-time basis in order to enhance coordination between the City Prosecutor's Office, law enforcement and the community in addressing public safety and quality of life issues, financed by a federal grant.

SECTION 2. The sum of Seventy-four Thousand Five Hundred Fourteen Dollars (\$74,514) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4

SECTION 3. The following increased appropriation is hereby approved:

<u>OFFICE OF CORPORATION COUNSEL</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	53,881
2. Materials and Supplies	675
3. Other Services and Charges	15,581
4. Capital Outlay	4,377
TOTAL INCREASE	74,514

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	74,514
TOTAL REDUCTION	74,514

SECTION 5. Section 5.02(b) of City-County Fiscal Ordinance No. 105, 2000, as amended by City County Fiscal Ordinance No. 49, 2001, be and is hereby further amended to increase the number of authorized employees for the Office of Corporation Counsel to fifty two (52) F.T.E.'s from fifty (50) F.T.E.'s for the calendar year 2002.

SECTION 6. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 237, 2002. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 237, 2002 on May 28, 2002. The proposal, sponsored by Councillors McWhirter and Boyd, approves an appropriation of \$54,000 in the 2002 Budget of the Office of Corporation Counsel (Consolidated County Fund) to add a staff attorney to provide legal representation to the Department of Waterworks as well as the Board of Waterworks, to be financed by revenues from the Department of Waterworks. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Schneider said that he is opposed to the proposal, as the proposal will add a staff member solely for the purpose of the acquisition of the water company. He said that during the entire acquisition process, the Council was told that there would be no additional City employees needed, and this would be administered through private contracts. He said that he reviewed the minutes from the Public Works Committee which established the Waterworks Department, and they indicate that there would be no City employees in the department. He added that the minutes indicate that the staffing would be covered by the Office of Corporation Counsel, but that no additional staffing would be required. Councillor Schneider said that he was opposed to the creation of the Waterworks because it is an open-ended department that can continue to grow.

Councillor Coughenour said that during discussions, it was testified that a whole new department would not be created and that the Waterworks would be run through the Controller's Office and the Office of Corporation Counsel. She said that it was never testified that an additional person would not be needed, just that another department would not be established. She said the negotiators probably always knew that staff would need to be added.

Councillor Soards said that he opposes the proposal because he believes the duties of this new position can be handled by existing staff in the Office of Corporation Counsel. He said he believes these are legal services that can be handled in-house, and outside contractors or additional staff are not needed.

General Counsel Robert Elrod agreed with Councillor Coughenour and said that the testimony during negotiations indicated that the legal and financial aspects of the department would be handled by the Controller's Office and the Office of Corporation Counsel. The budget that the Waterworks Board approved several weeks ago contemplates as many as four employees in these two offices to handle the affairs of this department. The department is already structured and collects an estimated \$105 million yearly in fees from users. The staff in the Controller's Office and Corporation Counsel has to manage the contract and oversee the compliance. He said that it is not an unreasonable request to hire an additional person to protect the City's interest with respect to the ownership of \$400,000 worth of assets.

President SerVaas called for public testimony at 8:08 p.m. There being no one present to testify, Councillor McWhirter moved, seconded by Councillor Boyd, for adoption. Proposal No. 237, 2002, as amended, was adopted on the following roll call vote; viz:

20 YEAS: Bainbridge, Boyd, Brents, Cockrum, Conley, Coughenour, Douglas, Gibson, Gray, Horseman, Knox, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, SerVaas, Short, Talley, Tilford

8 NAYS: Black, Borst, Bradford, Coonrod, Dowden, Schneider, Smith, Soards

0 NOT VOTING:

1 ABSENT: Langsford

Proposal No. 237, 2002, as amended, was retitled FISCAL ORDINANCE NO. 46, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 46, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating Fifty Four Thousand Dollars (\$54,000) in the Consolidated County Fund for purposes of the Office of Corporation Counsel, and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (e) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated to add a staff attorney in the Office of Corporation Counsel to provide legal representation to the Department of Waterworks as well as the Board of Waterworks, to be financed by revenues from the Department of Waterworks.

SECTION 2. The sum of Fifty-four Thousand Dollars (\$54,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4

SECTION 3. The following increased appropriation is hereby approved:

<u>OFFICE OF CORPORATION COUNSEL</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	54,000
TOTAL INCREASE	54,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	54,000
TOTAL REDUCTION	54,000

SECTION 5. Section 5.02(b) of City-County Fiscal Ordinance No. 105, 2000, as amended by City County Fiscal Ordinance No. 49, 2001, be and is hereby further amended to increase the number of authorized employees for the Office of Corporation Counsel to fifty three (53) F.T.E.'s from fifty (50) F.T.E.'s for the calendar year 2002.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 239, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 239, 2002 on May 22, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$3,000 in the 2002 Budget of the County Sheriff (County Grants Fund) to purchase a laptop computer, data projector, and two portable projection screens, funded by a grant from the Target Corporation. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:09 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Talley, for adoption. Proposal No. 239, 2002 was adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Horseman, Knox, Massie, McWhirter, Moriarty, Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford

0 NAYS:

1 NOT VOTING: Gray

1 ABSENT: Langsford

Proposal No. 239, 2002 was retitled FISCAL ORDINANCE NO. 47, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 47, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97 2001) appropriating an additional Three Thousand Dollars (\$3,000) in the County Grants Fund for purposes of the County Sheriff and reducing the unappropriated and unencumbered balance in the County Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Sheriff to purchase a laptop computer, data projector, and two (2) portable projections screens.

SECTION 2. The sum of Three Thousand Dollars (\$3,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY SHERIFF</u>	<u>COUNTY GRANTS FUND</u>
4. Capital Outlay	3,000
TOTAL INCREASE	3,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>COUNTY GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	3,000
TOTAL REDUCTION	3,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 240, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 240, 2002 on May 22, 2002. The proposal, sponsored by Councillors Dowden and Soards, approves an increase of \$6,000 in the 2002 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to fund a Protective Order Intake Clerk for the period from 04/01/02 through 06/30/02, financed by a grant from the Indiana Criminal Justice

Institute. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:11 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Soards, for adoption. Proposal No. 240, 2002 was adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Gibson, Gray, Horseman, Knox, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford

0 NAYS:

1 NOT VOTING: Dowden

1 ABSENT: Langsford

Proposal No. 240, 2002 was retitled FISCAL ORDINANCE NO. 48, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 48, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97 2001) appropriating an additional Six Thousand Dollars (\$6,000) in the State and Federal Grants Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (c) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney to support a protective Order Intake Clerk for the period from 04/01/02 through 06/030/02.

SECTION 2. The sum of Six Thousand Dollars (\$6,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

PROSECUTING ATTORNEY
3. Other Services and Charges
TOTAL INCREASE

STATE AND FEDERAL GRANTS FUND
6,000
6,000

SECTION 4. The said additional appropriation is funded by the following reductions:

Unappropriated and Unencumbered
State and Federal Grants Fund
TOTAL REDUCTION

STATE AND FEDERAL GRANTS FUND
6,000
6,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 241, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 241, 2002 on May 22, 2002. The proposal, sponsored by Councillors Dowden and Soards, approves an increase of \$50,000 in the 2002 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to provide for contractual and consulting

services for an Alternative Dispute Resolution, funded by a federal grant. By a 7-0 vote, the Committee tabled the proposal. Councillor Dowden moved, seconded by Councillor Soards, to postpone Proposal No. 241, 2002 until July 22, 2002. Proposal No. 241, 2002 was postponed by a unanimous voice vote.

PROPOSAL NO. 242, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 242, 2002 on May 22, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$4,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (County Grants Fund) to fund a summer youth program, funded by a grant from the Indianapolis Foundation. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:12 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 242, 2002 was adopted on the following roll call vote; viz:

28 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford
0 NAYS:
1 ABSENT: Langsford

Proposal No. 242, 2002 was retitled FISCAL ORDINANCE NO. 49, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 49, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97 2001) appropriating an additional Four Thousand Dollars (\$4,000) in the County Grants Fund for purposes of the Marion County Superior Court, Juvenile Division, and reducing the unappropriated and unencumbered balance in the County Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (j) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court, Juvenile Division, to fund a summer youth program

SECTION 2. The sum of Four Thousand Dollars (\$4,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SUPERIOR COURT, JUVENILE DIVISION</u>	<u>COUNTY GRANTS FUND</u>
2. Supplies	1,955
3. Other Services and Charges	<u>2,045</u>
TOTAL INCREASE	4,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>COUNTY GRANTS FUND</u>
Unappropriated and Unencumbered	
County Grants Fund	<u>4,000</u>
TOTAL REDUCTION	4,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or

project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

NEW BUSINESS

Councillor Cockrum said that he has received no response to his e-mail requesting volunteers to host members of the Toronto City Council during the Scarborough Peace Games for a golf outing. He asked those interested to let him know as soon as possible.

Councillor Boyd asked how many will be attending the Peace Games. Councillor Cockrum said that the number has not yet been determined, but there will be four Toronto Councillors attending, three of which would like to join members of this Council in a golf outing. Councillor Boyd said that he would like to see a letter from the President of the Council as a matter of protocol be sent to the Toronto Council and citizens to invite them to the games.

The President asked if there are members interested in helping Councillor Cockrum with these games, they should let him know.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Talley in memory of Sherry Loanna Sayles and Marcus Webb; and
- (2) Councillor Soards in memory of Joe Roseman and Don Scroggins; and
- (3) Councillor Douglas in memory of George Russell Scott; and
- (4) Councillor Boyd in memory of Sidney Marie Garner and Don E. Boyd.

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Sherry Loanna Sayles, Marcus Webb, Joe Roseman, Don Scroggins, George Russell Scott, Sidney Marie Garner, and Don E. Boyd. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:17 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 3rd day of June, 2002.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.



President

ATTEST:



Clerk of the Council

(SEAL)

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, JUNE 24, 2002**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:12 p.m. on Monday, June 24, 2002, with President SerVaas presiding.

Councillor Horseman introduced Sikh Priest Giani Pritam Singh, spiritual leader of the Sikh Satsang temple in Indianapolis, who led the opening prayer, and other members of the Sikh community. Councillor Horseman then invited all present to join her in the Pledge of Allegiance to the Flag.

ROLL CALL

President SerVaas instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

29 PRESENT: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford

A quorum of twenty-nine members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Sanders introduced Ed Ranthem, a regional representative of the American Federation of State, County, and Municipal Employees (AFSCME). Councillor Douglas introduced Mrs. Marie Townsend, who is a co-worker, and her husband. Councillor Gray recognized Michelle Hall and other residents representing the Crooked Creek Neighborhood.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, June 24, 2002, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Beurt SerVaas
President, City-County Council

June 4, 2002

TO PRESIDENT SERVAAS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, June 7, 2002, a copy of a Notice of Public Hearing on Proposal Nos. 267, 269-273, 275, and 276, 2002, said hearing to be held on Monday, June 24, 2002, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Suellen Hart
Clerk of the City-County Council

June 13, 2002

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Suellen Hart, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 42, 2002 - approves appropriations in the 2002 Budget of the Department of Parks and Recreation: an increase of \$229,877 (Federal Grants Fund) to continue the after-school programs for the 2001-2002 school year at Forest Manor School and School 108, financed by a federal grant (US Department of Education); and a transfer of \$60,240 (Park General Fund) to provide additional monitoring of wells at the Pleasant Run and Sarah Shank golf courses

FISCAL ORDINANCE NO. 44, 2002 - approves an increase of \$220,240 in the 2002 Budgets of the County Auditor and the Marion County Public Defender Agency (State and Federal Grants Fund) to fund advocate alternative sentencing options and a Mental Health Coordinator, funded by a grant from the Indiana Criminal Justice Institute (Local match of \$73,413 is funded by the following existing appropriations: \$60,042 in the Marion County Public Defender Agency General Fund budget and \$13,371 from an outside agency [Midtown Mental Health].)

FISCAL ORDINANCE NO. 45, 2002 - approves an appropriation of \$74,514 in the 2002 Budget of the Office of Corporation Counsel (Federal Grants Fund) to fund a Community Prosecutor and Paralegal to work in partnership with law enforcement and community groups on a full-time basis in order to enhance coordination between the City Prosecutor's Office, law enforcement and the community in addressing public safety and quality of life issues, financed by a federal grant

FISCAL ORDINANCE NO. 46, 2002 - approves an appropriation of \$54,000 in the 2002 Budget of the Office of Corporation Counsel (Consolidated County Fund) to add a staff attorney to provide legal representation to the Department of Waterworks as well as the Board of Waterworks, to be financed by revenues from the Department of Waterworks

GENERAL RESOLUTION NO. 3, 2002 - approves certain public purpose grants totaling \$1,250,000 for the support of the arts

SPECIAL RESOLUTION NO. 39, 2002 - remembers the life of Mary A. Artist

SPECIAL RESOLUTION NO. 40, 2002 - commends Doug Sword for his professional work as City Hall reporter for *The Indianapolis Star*

June 24, 2002

SPECIAL RESOLUTION NO. 41, 2002 - an inducement resolution for Tomahawk Village Apartments (to be renamed Country Club Commons Apartments) in an amount not to exceed \$10,000,000 which project consists of the acquisition and rehabilitation of an existing 200-unit apartment complex located on an approximately 13.395 acre parcel of land at 7801 W. 10th Street (District 18)

Respectfully,
s/Bart Peterson, Mayor

Councillor Cockrum announced that the Scarborough Peace Games will begin with an opening ceremony on Friday, July 26, 2002 at Anthem of Indiana. Games will be held all day Saturday and Sunday, with a closing ceremony on Sunday evening on Memorial Circle. He said that he is still looking for some hosts for a golf outing and for two-hour shifts in the Council hospitality room.

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of June 3, 2002. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 311, 2002. The proposal, sponsored by Councillor Coughenour, recognizes long time University of Indianapolis WICR Radio, General Manager Edward (Ed) Roehling. Councillor Coughenour read the proposal and presented Mr. Roehling with a copy of the document and a Council pin. Mr. Roehling thanked the Council for the recognition and said that he will be creating a new public radio station with classical music programming. Councillor Coughenour moved, seconded by Councillor Massie, for adoption. Proposal No. 311, 2002 was adopted by a unanimous voice vote.

Proposal No. 311, 2002 was retitled SPECIAL RESOLUTION NO. 42, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 42, 2002

A SPECIAL RESOLUTION recognizing long time University of Indianapolis WICR-Radio General Manager Edward (Ed) Roehling.

WHEREAS, in 1982, Ed Roehling was appointed General Manager of WICR-Radio at the University of Indianapolis; and

WHEREAS, he transformed the part-time 10 watt college radio station into the equivalent of 30,000 watts and made a home for the classical music of the Fine Arts Society and the station's other interests of jazz music and community affairs; and

WHEREAS, Mr. Roehling came to the University of Indianapolis with a solid background of radio experience, beginning with selling air time in Rushville in the 1960's; and

WHEREAS, holding degrees from Butler, the University of Indianapolis and Ball State, he has been general manager and president of a number of radio stations, and has appraised and negotiated the sales of several stations; and

WHEREAS, he was a charter member of the Indiana Public Radio Association, serves on the Education Committee of the Indiana Broadcasters Association, assisted with the formation of the journalism curriculum at the university, and has won numerous professional awards; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes retiring University of Indianapolis WICR-Radio General Manager Edward (Ed) Roehling.

SECTION 2. The Council wishes Ed well in the future as he embarks upon the next chapter of his life.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 312, 2002. The proposal, sponsored by Councillors Nytes and Conley, recognizes Prince Julius Adeniyi as Indiana's first Young Audiences national Artist of the Year. Councillor Nytes read the proposal and presented Mr. Adeniyi with a copy of the document and a Council pin. Mr. Adeniyi thanked the Council for the recognition. Councillor Nytes moved, seconded by Councillor Conley, for adoption. Proposal No. 312, 2002 was adopted by a unanimous voice vote.

Proposal No. 312, 2002 was retitled SPECIAL RESOLUTION NO. 43, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 43, 2002

A SPECIAL RESOLUTION recognizing Prince Julius Adeniyi as Indiana's first Young Audiences National Artist of the Year.

WHEREAS, Young Audiences of Indiana is the state's oldest and largest professional arts education program for children, reaching over 300,000 Hoosier youth a year with performances, workshops, and residencies in schools, libraries, parks and community centers; and

WHEREAS, Prince Julius Adeniyi, a Nigerian tribal prince is a master drummer who learned West African drumming from his grandfather, and who migrated to America in the 1960's; and

WHEREAS, since 1977, Prince Adeniyi has led the group Drums of West Africa through Young Audiences of Indiana, performing to over a half million children throughout the Midwest; and

WHEREAS, on April 27, at the Young Audiences national convention, Prince Adeniyi was recognized as the national Artist of the Year, the first Young Audiences of Indiana professional performer to have ever been chosen for this national award; and

WHEREAS, in addition to his Young Audiences work, the talented Prince handcrafts native drums, and is a professional chef who had his own restaurant the Sambusa Hut; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes Prince Julius Adeniyi for giving his talent and creativity to children in arts education through Young Audiences of Indiana for the past 17 years.

SECTION 2. The Council congratulates Prince Adeniyi for winning the national Artist of the Year Award considering that there are 4,400 professional artists who work with Young Audience chapters throughout the nation and that only one Artist of the Year is awarded annually.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 313, 2002. The proposal, sponsored by Councillors Bradford, SerVaas, Coughenour, and Cockrum, recognizes the Indy Parks Greenways latest awards, and National Recreational Trails designation by the National Park Service. Councillor Bradford read the proposal and presented representatives with copies of the document and Council pins. Chairman of the executive Committee, Greg Silvers, and executive director Ray Irvin, thanked the Council for the recognition and recognized the staff and agencies who have partnered with Greenways to make it a success. President SerVaas explained how Greenways got started and relayed some of the events that have helped make it so successful. Councillor Bradford moved, seconded by Councillor Cockrum, for adoption. Proposal No. 313, 2002 was adopted by a unanimous voice vote.

Proposal No. 313, 2002 was retitled SPECIAL RESOLUTION NO. 44, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 44, 2002

A SPECIAL RESOLUTION recognizing Indy Parks Greenways latest awards, and National Recreational Trails designation by the National Park Service.

WHEREAS, this year the National Park Service designated 26 local biking, walking and jogging trails as National Recreation Trails, with Indianapolis Greenways receiving four of the 26 awards; and

WHEREAS, the Central Canal Towpath which traces its roots back to 1836, the popular Monon Trail which is an historic railroad line, the Pleasant Run Trail along a creek that provides natural beauty, and the White River Trail with its scenic views, were all nationally designated; and

WHEREAS, the national Rails-to-Trails Conservancy organization recognized the Monon Trail as the Trail of the Month in its national communication, and American Trails awarded the Indy Greenways web site an honorable mention for being a great communication vehicle; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council commends all of those involved with Indy Parks Greenways for their leadership, determination and setting the standards high which has resulted in many new recognitions and awards.

SECTION 2. The Greenways offer Indianapolis citizens recreation, community connectivity, socialization, exercise, scenery and economic development, all within a big city urban setting.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 314, 2002. The proposal, sponsored by Councillors Borst, Tilford, and Massie, concerns the IndyGo Bus Company. Councillor Borst said that public transportation is very important for basic needs of many residents of the City. He said that IndyGo has undergone two federal audits and a City audit, and although some things identified in these audits have been addressed, several have not. He added that there is not a permanent president of the company, and this resolution seeks to urge the board to look nationally for a transportation-experienced company or individual to run IndyGo. The resolution also initiates that the Council look a little deeper into the financial aspects of what has gone wrong with IndyGo. Councillor Borst said that he has spoken to the chairman of the board of IndyGo, who understands the intent of the proposal and is in agreement with this approach. He moved, seconded by Councillor Massie, for adoption.

Councillor Short said that he is against the resolution because he believes the board is already looking nationally for a candidate for president. He added that the Council already has a standing committee that exists which can address the financial concerns anytime they want. He said that the Mayor and the Council appoint individuals to the various boards, and instead of doing their job for them, they should trust the candidates they have chosen to do their jobs well, or replace them if they are not doing well. He added that he believes the candidate for president should be more business-oriented and experienced in finances rather than just having transportation experience. Councillor Borst said that this proposal simply urges the board to search nationally for a president and does not take their responsibility for the search away from them. He added that the committee to be formed will look at the financial problems and what has gone wrong in IndyGo.

Councillor Talley asked how many members the special committee would involve and how they would be appointed. He asked also what this committee would be charged with. Councillor Borst said that Section 2 of the proposal says that the committee would be charged with looking into the financial condition in the audits. He added that the President of the Council would be charged with appointing the members to this committee. Councillor Talley said that he thinks the proposal should be more specific and require that a certain amount of Democrats and Republicans be included so that the ratio is level. He said he believes the Council Rules spell out how these committees should be formed. Councillor Borst said that if a standing committee is used to address this issue, no specifics are needed. He added that he believes the President will form a committee of those persons with a strong interest in the issue from both sides of the aisle if a special committee needs to be formed.

Councillor Massie said that special committees are always at the President's discretion and there is no directive as to the composition of such committees in the Council Rules. He said that as a co-sponsor of the proposal, he supports the resolution.

Councillor Gibson said that this proposal is reactive rather than proactive. He said that the board has already done a nation-wide search, and he does not believe the Council should influence the hiring. He added that what has gone wrong with IndyGo can be determined without looking at the financials, as it is a decrease in ridership.

Councillor Boyd said that he is not vehemently opposed to this proposal, but does not see the resolution as necessary or that it will change anything that is already taking place. He said that he believes the intrusion of this Council into the affairs of IndyGo would set a bad precedent. Although the Council has oversight responsibility, he believes this oversight would be best expressed through their appointments to the board. Councillor Boyd added that he has concerns that the Council has already been involved informally through individual members and he feels this is part of the problem. He said that there also seems to be some confusion about the charge to this special committee in relation to what the existing standing committee, the Municipal Corporations Committee, may be charged with.

Councillor Sanders said that she is a proponent of public transportation, but feels that a nationwide search is already being conducted for a president, and some back-door politics have already curtailed that search. She feels the proposal is redundant and moot, as the Council does not have the authority to override decisions of the board.

Councillor Bradford said that it is the Council's responsibility to at times step in and give the boards, to which they appoint members, further direction and support.

Councillor Horseman said that she is opposed to the proposal. She said that the president of IndyGo left nine months ago, at which time a national search for a replacement began. She said that the board is now in the final stages of those interviews, and to ask them to spend more money to start the process over again, would be burdensome. She said that the President of the Council does not, on his own, have the authority to appoint a standing committee, and she believes the wording in Section 2 is legally wrong. She said that the Council already has a standing committee that addresses IndyGo issues, and if the Council body has lost faith in the chairman of that Committee in light of recent allegations, then this should be addressed instead of removing responsibility from that Committee.

Councillor Gray asked why there is an urgency all of a sudden. He said that it seems this is simply a political attack and this is an attempt to stack committees on top of committees.

President SerVaas passed the gavel to Councillor Boyd. Councillor SerVaas said that he was in Indianapolis when the Controller turned down a fare increase for the local streetcar business, which resulted in a loss of \$500,000 to the out-of-state company, and subsequently shut down the business, leaving the City without public transportation. He said that the public begged the City to take over public transportation, and the business is now losing \$15 million a year to operate. He said recruiting a president will not be easy with this type of annual loss and federal and internal audits taking place. He said that the public transportation system today generally serves senior citizens, the handicapped, and the poorest of the poor. It has become a subsidized activity. He said that a new approach is needed, and the new president should be someone who thinks "out of the box." He added that if he is instructed, through passage of this resolution, to recommend a special committee, he will be fair-minded and keep both caucuses and the administration informed. Councillor Boyd returned the gavel to President SerVaas.

Councillor Conley said that the reason there is poor ridership is because the business has not been run as it should be, and he believes the board will be able to find someone who is up to the challenge. He said that he does not believe a special committee is the way to go about it.

Councillor Tilford said that in response to a comment made regarding the Council body losing faith in the chairman of the standing committee, he would like to say that he is a co-sponsor of this proposal and feels very close to this issue. He said that the proposal does not mandate that a special committee be formed, and it may very well be that the President directs the Municipal Corporations Committee to address this issue, and he will be more than happy to do so.

Councillor Borst said that the urgency of this proposal came about as a result of the recent financial audits. He said that he is not sure how many of the Councillors actually reviewed these audits, but he has read them extensively. He said that he thought this proposal would be a simple way to review what went wrong and encourage the board to get a qualified individual into the position to turn the company around.

Councillor Conley asked about Councillor Horseman's comments regarding the legal wording in Section 2 in reference to appointing a standing committee. General Counsel Robert Elrod said that he would recommend changing the word "appoint" to "designate." Councillor Borst moved, seconded by Councillor Conley, to amend Proposal No. 314, 2002 as suggested by the General Counsel. Proposal No. 314, 2002 was amended by a voice vote.

Proposal No. 314, 2002, as amended, was adopted on the following roll call vote; viz:

16 YEAS: Bainbridge, Borst, Bradford, Cockrum, Coonrod, Coughenour, Dowden, Knox, Langsford, Massie, McWhirter, Schneider, SerVaas, Smith, Soards, Tilford
13 NAYS: Black, Boyd, Brenis, Conley, Douglas, Gibson, Gray, Horseman, Moriarty Adams, Nytes, Sanders, Short, Talley

Proposal No. 314, 2002 was retitled COUNCIL RESOLUTION NO. 66, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 66, 2002

A COUNCIL RESOLUTION concerning the IndyGo Bus Company.

WHEREAS, the IndyGo Bus Company of the Indianapolis Public Transportation Corporation is an important transportation mode for some thousands of rider trips to work, shopping, medical visits, and education; and

WHEREAS, IndyGo has recently undergone two federal audits and a City of Indianapolis internal audit for financial mismanagement; and

WHEREAS, many of the audit recommendations have already been corrected; however, there are still many recommendations that have not been addressed; and

WHEREAS, IndyGo needs new knowledgeable and capable people to provide better service and management to the Marion County riders and taxpayers; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council urges the Indianapolis Public Transportation Corporation Board to conduct a nation-wide search to hire the best qualified, experienced, transportation person or company to help turn around IndyGo.

SECTION 2. The Council urges the President of the City-County Council to designate a special or standing committee to look into the financial conditions and audit reports of IndyGo.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

President SerVaas asked for consent to vote on Proposal No. 744, 2001 and Proposal Nos. 244 and 245, 2002 together. He said that they are all board or committee appointments and passed out of their respective committees with unanimous recommendations for passage. Consent was given.

PROPOSAL NO. 744, 2001. The proposal, sponsored by Councillor Massie, appoints W. Tobin McClamoch to the Board of Ethics. PROPOSAL NO. 244, 2002. The proposal, sponsored by Councillor Coughenour, reappoints Bernard O. Paul to the Air Pollution Control Board. PROPOSAL NO. 245, 2002. The proposal, sponsored by Councillors Coonrod and Borst, appoints Ivan Wilson to the Common Construction Wage Committee for the City of Lawrence. Councillor Borst moved, seconded by Councillor Massie, for adoption. Proposal No. 744, 2001, as amended, and Proposal Nos. 244 and 245, 2002 were adopted by a unanimous voice vote.

Proposal No. 744, 2001, as amended, was retitled COUNCIL RESOLUTION NO. 67, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 67, 2002

A COUNCIL RESOLUTION appointing W. Tobin McClamroch to the Board of Ethics.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Board of Ethics, the Council appoints:

W. Tobin McClamroch

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2003. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 244, 2002 was retitled COUNCIL RESOLUTION NO. 68, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 68, 2002

A COUNCIL RESOLUTION reappointing Bernard O. Paul to the Air Pollution Control Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Air Pollution Control Board, the Council reappoints:

Bernard O. Paul

SECTION 2. The appointment made by this resolution is for a term ending June 4, 2006. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 245, 2002 was retitled COUNCIL RESOLUTION NO. 69, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 69, 2002

A COUNCIL RESOLUTION appointing Ivan Wilson to the Common Construction Wage Committee for the City of Lawrence.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Common Construction Wage Committee for the City of Lawrence, the Council appoints:

Ivan Wilson

SECTION 2. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and qualifies.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 287, 2002. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$25,000 in the 2002 Budget of the Wayne Township Assessor (State and Federal Grants Fund) to pay for wall repair, painting, carpet and floor covering, funded by a Build Indiana Grant"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 288, 2002. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$2,032 in the 2002 Budget of the County Election Board (Campaign Finance Fines Fund) to fund mailings and

manuals to publicize campaign finance requirements, financed by fund balances"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 289, 2002. Introduced by Councillors McWhirter and Nytes. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$287,000 in the 2002 Budget of the Cable Communications Agency (Consolidated County Fund) to purchase replacement cameras and other related video equipment used by WCTY/Channel 16, financed by a PEG grant (Public Educational or Governmental Access Facilities)"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 290, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$12,500 in the 2002 Budget of the Clerk of the Circuit Court (Clerk's Perpetuation Fund) to fund off-site storage of records and the electronic preservation of paternity and financial documents, financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 291, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$20,500 in the 2002 Budget of the Clerk of the Circuit Court (Enhanced Access Fund) to fund the Small Claims Court judgement docket program into the JUSTIS system and the data entry of divorce index books into an electronic database, financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 292, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$20,021 in the 2002 Budget of the Marion County Justice Agency and the County Auditor (State and Federal Grants Fund) to support the continuation of the Arrestee Drug Abuse Monitoring Program (ADAM), funded by a federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 293, 2002. Introduced by Councillors Dowden and Soards. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$25,368 in the 2002 Budget of the Marion County Justice Agency (Law Enforcement Fund) to reimburse the County Sheriff for 151 bulletproof vests, financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 294, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$8,890 in the 2002 Budgets of the County Auditor and Marion County Justice Agency (State and Federal Grants Fund) to provide sufficient funding for fringes for the Metro Drug Task Force Grant for FY 2001/2002"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 295, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$102,024 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) to fund additional work release beds and day reporting slots"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 296, 2002. Introduced by Councillors Dowden and Soards. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$25,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (State and Federal

Grants Fund) to continue funding for Child Advocates, Inc., funded by a grant from Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 297, 2002. Introduced by Councillors Dowden and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$4,039 in the 2002 Budget of the Department of Public Safety, Emergency Management and Planning Division (Federal Grants Fund) to purchase a fax machine, communication equipment for FCC compliance, and equipment for decontamination and hazardous material cleanup, financed by grants from the US Department of Justice"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 298, 2002. Introduced by Councillors Dowden and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$136,400 in the 2002 Budget of the Department of Public Safety, Police Division (City Cumulative Capital Development Fund) to purchase supplies and accessories needed to outfit police vehicles"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 299, 2002. Introduced by Councillors Dowden and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$229,939 in the 2002 Budget of the Department of Public Safety, Fire Division (Federal Grants Fund) to pay the costs incurred in managing the FEMA-sponsored Marion County Urban Search and Rescue Task Force-1 and to reimburse the Task Force for the costs of their deployment to the 2002 Winter Olympics in Salt Lake City, Utah, financed by federal funds"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 300, 2002. Introduced by Councillors Dowden and Talley. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which requests to fund MECA operations in calendar year 2003 with County Option Income Tax revenue in the amount of \$2,750,000"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 301, 2002. Introduced by Councillors Cockrum and Gray. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer and appropriation totaling \$1,001,402 in the 2002 Budget of the Department of Parks and Recreation (City Cumulative Capital Development Fund) to initiate several construction projects targeted for bid in the 2002 calendar year, financed by fund balance of 2001 unspent capital funds and a transfer between characters"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 302, 2002. Introduced by Councillors Langsford and Gray. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$235,000 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) to renovate the parking lot and path of travel to the Whispering Hills clubhouse and first tee to make the facility accessible and to adhere to universal design for accessibility, financed by fund balances"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 303, 2002. Introduced by Councillors Cockrum and Douglas. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$5,633,404 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) to fund architectural and engineering designs for six projects and for the construction of three

projects, financed by a grant from Lilly Endowment, Inc. in 2001"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 304, 2002. Introduced by Councillors Massie and Gray. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a re-appropriation of \$63,549 in the 2002 Budget of the Department of Parks and Recreation (State Grants Fund) to complete beautification of the Central Canal in the Broad Ripple area and for a HVAC project at Garfield Park, financed by grants from the Build Indiana Fund"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 305, 2002. Introduced by Councillors Cockrum and Nytes. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$33,916 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) to fund the following projects at Talbott and 29th Street Park: (1) to asphalt the brick driveway within the park, and (2) to purchase and install outdoor checkerboard tables, bleachers, and landscaping at the park, financed by a grant from Lilly Endowment"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 306, 2002. Introduced by Councillors Coughenour and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$375,000 in the 2002 Budget of the Department of Public Works, Engineering Division (State Grants Fund) for the purchase of equipment for research and development purposes for Dow AgroSciences LLC, financed by an Industrial Development Grant from the Indiana Department of Commerce"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 307, 2002. Introduced by Councillors Coughenour and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$108,942 in the 2002 Budget of the Department of Public Works, Engineering Division (Transportation General Fund) to complete infrastructure improvements near the downtown Eli Lilly & Company complex and other projects started in 2001, financed by a grant from Eli Lilly and Company"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 308, 2002. Introduced by Councillors Coughenour and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which approves the Sanitary District Note Resolution and the issuance of Sanitary District Notes payable from proceeds of bonds of the Sanitary District in an amount not to exceed \$15 million; and approves the Stormwater District Note Resolution and the issuance of Stormwater District Notes payable from proceeds of bonds of the Stormwater District in an amount not to exceed \$15 million"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 309, 2002. Introduced by Councillor Massie. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which seeks renewal of authorization and approval for Marion County Treasurer and City Controller to invest public funds in money-market mutual funds"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 310, 2002. Introduced by Councillors Nytes, Boyd, and Gibson. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Gary A. Gibson to the Equal Opportunity Advisory Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 315, 2002. Introduced by Councillors McWhirter and Smith. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Judy Stanley to the Indianapolis City Market Corporation Board of Directors"; and the President referred it to the Metropolitan Development Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

Councillor Soards made the following motion:

Mr. President:

I move that Proposal No. 317, 2002 (Rezoning Case 2002-ZON-029 [Amended]) be scheduled for a hearing before this Council at its next regular meeting on July 22, 2002 at 7:00 p.m. and that the Clerk read the announcement of such hearing and enter same in the minutes of this meeting.

Councillor Gray seconded the motion, and Proposal No. 317, 2002 was scheduled for public hearing on July 22, 2002 by a unanimous voice vote and is identified as follows:

2002-ZON-029 (Amended)
3096 WEST 62nd STREET (approximate address), INDIANAPOLIS.
PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1
HERITAGE DEVELOPMENT OF INDIANA, LLC., by Thomas Michael Quinn, requests a rezoning of 9.928 acres, being in the D-A and SU-1 Districts, to the D-4 classification to provide for residential development

PROPOSAL NOS. 316, and 318-327, 2002. Introduced by Councillor Smith. Proposal Nos. 316, and 318-327, 2002 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on June 21, 2002. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 73-83, 2002, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 73, 2002.
2002-ZON-001
2141-2147 & 2162-2172 NORTH TALBOTT (approximate addresses), INDIANAPOLIS.
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22
POWER PROPERTIES, LLC by Neighborhood/Downtown Zoning Assistance, Inc. requests a rezoning of 0.49 acre, being in the C-4 and D-8 Districts, to the C-S classification to provide for the redevelopment of the existing buildings and properties and to conform to the recommendations of the Herron Morton Place Historic Preservation Plan.

REZONING ORDINANCE NO. 74, 2002.
2002-ZON-035
113 EAST 22ND STREET (approximate address), INDIANAPOLIS.
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22
MICHAEL STRAPULOS by Neighborhood/Downtown Zoning Assistance, Inc. requests a rezoning of 0.1 acre, being in the C-4 District, to the C-S classification to provide for an off-site parking lot serving the uses in 2139-2147 N. Talbott Street.

REZONING ORDINANCE NO. 75, 2002.
2002-ZON-036
7824 BROOKVILLE ROAD (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13
FIRST INDUSTRIAL REALTY TRUST, INC., by Philip A. Nicely, requests a rezoning of 13.34 acres, being in the I-2-S District, to the C-S classification to provide for limited office, commercial, and industrial uses.

REZONING ORDINANCE NO. 76, 2002.

2002-ZON-037

7823 BROOKVILLE ROAD (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13

FIRST INDUSTRIAL REALTY TRUST, INC., by Philip A. Nicely, requests a rezoning of 52.35 acres, being in the C-S District, to the C-S classification to provide for limited I-2-S and C-4 uses.

REZONING ORDINANCE NO. 77, 2002.

2002-ZON-047

3354 WEST 30TH STREET (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 9.

ROMAN CATHOLIC ARCHDIOCESE OF INDIANAPOLIS, by David Kingen, requests a rezoning of 7.48 acres, being in the C-1 and D-3 Districts, to the SU-1 classification, to legally establish religious uses.

REZONING ORDINANCE NO. 78, 2002.

2002-ZON-049

2500 COLD SPRING ROAD (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 16

SISTERS OF OUR LADY OF MOUNT CARMEL, by James L. Touhy, requests a rezoning of 18.3 acres, being in the D-S (W-5) District, to the SU-1 (W-5) classification to provide for religious uses.

REZONING ORDINANCE NO. 79, 2002.

2002-ZON-055

5220 MADISON AVENUE (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 20

SOUTHSIDE ANIMAL HOSPITAL, by Raymond Good, requests a rezoning of 0.75 acre, being in the D-1 District, to the C-4 classification to provide for the expansion of a veterinarian office.

REZONING ORDINANCE NO. 80, 2002.

2002-ZON-056

424 EAST WABASH STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

DAVID R. HENNESSY requests a rezoning of 0.07 acre, being in the I-3-U (RC) District, to the CBD-2 (RC) classification to provide for a law office in an existing building.

REZONING ORDINANCE NO. 81, 2002.

2002-ZON-059

962 and 970 WEST 30TH STREET (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 9

UNITED NORTHWEST AREA DEVELOPMENT CORPORATION requests a rezoning of 0.30 acre, being in the C-3 District, to the D-5 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 82, 2002.

2002-ZON-066 (2002-DP-004)

6420 ROCKVILLE ROAD (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 18

LEGACY PROPERTY MANAGEMENT, LLP, by Philip A. Nicely, requests a rezoning of 1.29 acres, being in the D-2 District, to the D-P classification to provide for two-family residential development, resulting in 7.75 units per acre.

REZONING ORDINANCE NO. 83, 2002.

2002-ZON-080

3510 WEST 10TH STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16

INDIANA UNIVERSITY FOUNDATION, by Timothy E. Ochs, requests a rezoning of 3.3 acres, being in the CBD-2 (RC) District to the CBD-S (RC) classification to provide for commercial (including, but not limited to, office and retail), light industrial, public and semipublic facilities, off-street parking and parking garages, research and development facilities, educational, and multi-family uses.

SPECIAL ORDERS - PUBLIC HEARING

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 269-273, 2002 on June 5, 2002. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 269, 2002. The proposal, sponsored by Councillors Dowden, Smith, and Talley, approves an increase of \$3,000 in the 2002 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to provide salary support for an IVRP (Indianapolis Violence Reduction Partnership) coordinator, funded by a state grant. PROPOSAL NO. 270, 2002. The proposal, sponsored by Councillors Dowden, Smith, and Talley, approves an increase of \$350,000 in the 2002 Budget of Community Corrections (Home Detention Fund) to compensate the County for the housing of felons in the Corrections Center Component, financed by fund balances. PROPOSAL NO. 271, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$316,142 in the 2002 Budget of Community Corrections (State and Federal Grants Fund) to appropriate carryover funds from FY 1999/2000 and FY 2000/2001 from adult and juvenile programs to compensate the County for the housing of felons in the Corrections Center Component. PROPOSAL NO. 272, 2002. The proposal, sponsored by Councillors Dowden, Smith, and Talley, approves an increase of \$182,775 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) to provide funding for a mental health component, funded by a state grant (Indiana Department of Correction Community Corrections Grant Program). PROPOSAL NO. 273, 2002. The proposal, sponsored by Councillors Dowden, Smith, and Talley, approves an appropriation of \$22,792 in the 2002 Budget of Community Corrections (Home Detention Fund) to pay the rent and telephone expenses for an office at the Forest Manor Multi-Service Center, financed by fund balances. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President SerVaas called for public testimony at 8:32 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal Nos. 269-273, 2002 were adopted on the following roll call vote; viz:

26 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Tilford

0 NAYS:

3 NOT VOTING: Gibson, Soards, Talley

Proposal No. 269, 2002 was retitled FISCAL ORDINANCE NO. 50, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 50, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97 2001) appropriating an additional Three Thousand Dollars (\$3,000) in the State and Federal Grants Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (i) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency to provide salary support for an IVRP coordinator (Indianapolis Violence Reduction Partnership).

SECTION 2. The sum of Three Thousand Dollars (\$3,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	<u>3,000</u>
TOTAL INCREASE	3,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>3,000</u>
TOTAL REDUCTION	3,000

SECTION 5. Except to the extent of matching funds, in any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 270, 2002 was retitled FISCAL ORDINANCE NO. 51, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 51, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97 2001) appropriating an additional Three Hundred Fifty Thousand Dollars (\$350,000) in the Home Detention Fund for purposes of Community Corrections and reducing the unappropriated and unencumbered balance in the Home Detention Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (g) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of Community Corrections to compensate the County for the housing of felons in the Corrections Center Component.

SECTION 2. The sum of Three Hundred Fifty Thousand Dollars (\$350,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COMMUNITY CORRECTIONS</u>	<u>HOME DETENTION FUND</u>
3. Other Services and Charges	<u>350,000</u>
TOTAL INCREASE	350,000

June 24, 2002

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>HOME DETENTION FUND</u>
Unappropriated and Unencumbered	
Home Detention Fund	<u>350,000</u>
TOTAL REDUCTION	350,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 271, 2002 was retitled FISCAL ORDINANCE NO. 52, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 52, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97 2001) appropriating an additional Three Hundred Sixteen Thousand One Hundred Forty-two Dollars (\$316,142) in the State and Federal Grants Fund for purposes of Community Corrections and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of Community Corrections to appropriate carryover funds from FY 1999/2000 and FY2000/2001 from adult and juvenile programs to compensate the County for the housing of felons in the Corrections Center.

SECTION 2. The sum of Three Hundred Sixteen Thousand One Hundred Forty-two Dollars (\$316,142) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COMMUNITY CORRECTIONS</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>316,142</u>
TOTAL INCREASE	316,142

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>316,142</u>
TOTAL REDUCTION	316,142

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 272, 2002 was retitled FISCAL ORDINANCE NO. 53, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 53, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97 2001) appropriating an additional One Hundred Eighty-two Thousand Seven Hundred Seventy-five Dollars (\$182,775) in the State and Federal Grants Fund for purposes of the County Auditor and Community Corrections and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Community Corrections to provide funding for a mental health component.

SECTION 2. The sum of One Hundred Eighty-two Thousand Seven Hundred Seventy-five Dollars (\$182,775) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services-fringes	17,762
<u>COMMUNITY CORRECTIONS</u>	
1. Personal Services	71,050
3. Others Services and Charges	<u>93,963</u>
TOTAL INCREASE	182,775

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>182,775</u>
TOTAL REDUCTION	182,775

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 273, 2002 was retitled FISCAL ORDINANCE NO. 54, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 54, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Twenty-two Thousand Seven Hundred Ninety-two Dollars (\$22,792) in the Home Detention Fund for purposes of Community Corrections and reducing the unappropriated and unencumbered balance in the Home Detention Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (g) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of Community Corrections to pay the rent and telephone expenses for an office at the Forest Manor Multi-Service Center, which will house three home detention officers who supervise offenders within the area.

SECTION 2. The sum of Twenty-two Thousand Seven Hundred Ninety-two Dollars (\$22,792) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COMMUNITY CORRECTIONS</u>	<u>HOME DETENTION FUND</u>
3. Other Services and Charges	<u>22,792</u>
TOTAL INCREASE	22,792

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>HOME DETENTION FUND</u>
Unappropriated and Unencumbered	
Home Detention Fund	<u>22,792</u>
TOTAL REDUCTION	22,792

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 275, 2002. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 275, 2002 on June 13, 2002. The proposal, sponsored by Councillors Coughenour and Moriarty Adams, approves an appropriation of \$755,000 in the 2002 Budget of the Department of Public Works, Operations Division (Consolidated County Fund) to fund the expansion of the Abandoned Vehicle Program to process vehicles from private property, financed by fund balances. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:35 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 275, 2002 was adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Talley, Tilford
0 NAYS:
2 NOT VOTING: Gibson, Soards

Proposal No. 275, 2002 was retitled FISCAL ORDINANCE NO. 55, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 55, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating Seven Hundred Fifty Five Thousand Dollars (\$755,000) in the Consolidated County Fund for purposes of the Department of Public Works, Operations Division, and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(j) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Operations Division, to fund the expansion of the Abandoned Vehicle Program to process vehicles from private property, financed by fund balance.

SECTION 2. The sum of Seven Hundred Fifty Five Thousand Dollars (\$755,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u> <u>OPERATIONS DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
3. Other Services and Charges	<u>755,000</u>
TOTAL INCREASE	755,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	<u>755,000</u>
TOTAL REDUCTION	755,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 276, 2002. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 276, 2002 on June 13, 2002. The proposal, sponsored by Councillors Coughenour and Moriarty Adams, approves an increase of \$615,000 in the 2002 Budget of the Department of Public Works, Engineering Division (Storm Water Management Fund) to continue the stormwater billing system and finance a contract for account review services, financed by fund balances. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Schneider said that he is still opposed to the stormwater billing and feels that once again this is just a way to make government bigger instead of smaller.

President SerVaas called for public testimony at 8:37 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 276, 2002 was adopted on the following roll call vote; viz:

18 YEAS: Black, Borst, Boyd, Brents, Cockrum, Conley, Coughenour, Douglas, Gray, Knox, Langsford, Massie, Moriarty Adams, Nytes, Sanders, SerVaas, Short, Tilford
5 NAYS: Bradford, Coonrod, Dowden, Schneider, Smith
6 NOT VOTING: Bainbridge, Gibson, Horseman, McWhirter, Soards, Talley

Proposal No. 276, 2002 was retitled FISCAL ORDINANCE NO. 56, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 56, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating an additional Six Hundred Fifteen Thousand Dollars (\$615,000) in the Storm Water Management Fund for purposes of the Department of Public Works, Engineering Division, and reducing the unappropriated and unencumbered balance in the Storm Water Management Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(j) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Engineering Division, to continue the storm water billing system, and finance a contract for account review services, financed by fund balance.

SECTION 2. The sum of Six Hundred Fifteen Thousand Dollars (\$615,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following appropriation is hereby increased:

<u>DEPARTMENT OF PUBLIC WORKS</u>	<u>STORM WATER MANAGEMENT FUND</u>
<u>ENGINEERING DIVISION</u>	
3. Other Services and Charges	<u>615,000</u>
TOTAL INCREASE	615,000

SECTION 4. The said additional appropriation is funded by the following reductions:

<u>STORM WATER MANAGEMENT FUND</u>	
Unappropriated and Unencumbered	
Storm Water Management Fund	<u>615,000</u>
TOTAL DECREASE	615,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - UNFINISHED BUSINESS

PROPOSAL NO. 189, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$35,000 in the 2002 Budget of the County Sheriff (State and Federal Grants Fund) to appropriate a pass-through grant from the Indiana Criminal Justice Institute for the Destiny Delinquency Prevention and Music Therapy Program. PROPOSAL NO. 191, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$57,806 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to appropriate a state grant for the Kindermusik Family Re-Integration Project. Councillor Dowden stated that both of these proposals were tabled on May 20, 2002 by the full Council and no action needs to be taken this evening.

PROPOSAL NO. 241, 2002. The proposal, sponsored by Councillors Dowden and Soards, approves an increase of \$50,000 in the 2002 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to provide for contractual and consulting services for an Alternative Dispute Resolution, funded by a federal grant. Councillor Dowden said that this proposal was postponed until July 22, 2002 at the June 3, 2002 full Council meeting and is therefore still postponed.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 243, 2002. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 243, 2002 on June 13, 2002. The proposal, sponsored by Councillors Coughenour and Moriarty Adams, establishes that the City-County Council is interested in making the purchase of approximately 1.5 acres located at 1711 East 39th Street. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coughenour moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 243, 2002 was adopted on the following roll call vote; viz:

28 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Talley, Tilford

0 NAYS:

1 NOT VOTING: Soards

Proposal No. 243, 2002 was retitled GENERAL RESOLUTION NO. 4, 2002, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 4, 2002

A GENERAL RESOLUTION establishing that the City-County Council of the City of Indianapolis and Marion County, Indiana is interested in making the purchase of specified land.

WHEREAS, the City-County Council of the City of Indianapolis and Marion County, Indiana ("City-County Council") is the fiscal body of the City of Indianapolis pursuant to IC 36-1-10.5-1, et seq.; and

WHEREAS, pursuant to IC 36-1-10.5-5 the City of Indianapolis may purchase land only after the City-County Council passes a resolution to the effect that the City-County Council is interested in making a purchase of specified land and

WHEREAS, the City of Indianapolis wishes to purchase a particular parcel of real estate located in Marion County, which is described in Exhibit "A", which is attached hereto and incorporated herein, ("Real Estate"), for a Wetlands Demonstration project within the Fall Creek watershed; and

WHEREAS, the City-County Council, having considered the acquisition of the Real Estate and being duly advised, finds that the City-County Council has an interest in acquiring the Real Estate; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City County Council hereby establishes that the City-County Council has an interest in acquiring the Real Estate described in Exhibit A (a copy of which is attached to the official copy of the resolution on file with the Clerk of the Council).

SECTION 2. For purposes of Revised Code Sec. 151-66 the Real Estate is owned by the Carsen Corporation, an Indiana Corporation, as Trustee Under the Provisions of a Trust Agreement Dated July 14, 1987, Known as Trust 76.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 268, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 268, 2002 on June 5, 2002. The proposal, sponsored by Councillors Dowden and Soards, approves a transfer of \$10,624 in the 2002 Budgets of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to provide salary support for the Metro Drug Task Force. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Soards, for adoption. Proposal No. 268, 2002 was adopted on the following roll call vote; viz:

29 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford

0 NAYS:

Proposal No. 268, 2002 was retitled FISCAL ORDINANCE NO. 57, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 57, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No.97, 2001) transferring and appropriating an additional Ten Thousand Six Hundred Twenty-four Dollars (\$10,624) in the State and Federal Grants Fund for purposes of the County Auditor and the Marion County Justice Agency and reducing certain other appropriations from that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Marion County Justice Agency to provide salary support for the Metro Drug Task Force.

SECTION 2. The sum of an additional Ten Thousand Six Hundred Twenty-four Dollars (\$10,624) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	8,229
<u>MARION COUNTY JUSTICE AGENCY</u>	
1. Personal Services	2,395
TOTAL INCREASE	10,624

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	10,624
TOTAL DECREASE	10,624

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 277, 2002. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 277, 2002 on June 13, 2002. The proposal, sponsored by Councillor Knox, authorizes a traffic signal for Airport Expressway, Bradbury Access, and Stout Field East Drive (District 17). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coughenour moved, seconded by Councillor Knox, for adoption. Proposal No. 277, 2002 was adopted on the following roll call vote; viz:

27 YEAS: Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford
 0 NAYS:
 2 NOT VOTING: Bainbridge, Black

Proposal No. 277, 2002 was retitled GENERAL ORDINANCE NO. 71, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 71, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
30	Airport Expressway Bradbury Access Stout Field East Dr	None	Signal

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

**POLICE SPECIAL SERVICE DISTRICT
SPECIAL ORDERS - PUBLIC HEARING**

President SerVaas convened the Police Special Service District Council.

PROPOSAL NO. 267, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 267, 2002 on June 5, 2002. The proposal, sponsored by Councillors Dowden, Moriarty Adams, Smith, Soards, and Talley, approves a re-appropriation of \$1,411,603 in the 2002 Budget of the Department of Public Safety, Police Division (Federal Grants and Police General Funds) for a variety of community policing initiatives, youth programs, and law enforcement equipment, financed by federal and local grants. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:45 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 267, 2002 was adopted on the following roll call vote; viz:

28 YEAS: Bainbridge, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford

0 NAYS:

1 NOT VOTING: Black

Proposal No. 267, 2002 was retitled POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 2002, and reads as follows:

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 2002

A POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the Police Special Service District Budget for 2002 (Police Special Service District Ordinance No. 3, 2001) appropriating One Million Four Hundred Eleven Thousand and Six Hundred and Three Dollars (\$1,411,603) in the Federal Grants and Police General Funds for purposes of the Department of Public Safety, Police Division, and reducing the unappropriated and unencumbered balance in the Federal Grants and Police General Funds.

**BE IT ORDAINED BY THE POLICE SPECIAL SERVICE DISTRICT COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 of the City-County Police Special Service District Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division to reappropriate grant funds for the Violence Against Women's Office, COPS office after school program, the Bullet Proof Vest Program, Weed & Seed community initiatives, Gang resistance education and instructor training, Law Enforcement Block Grant for police equipment, HUD funds from DMD for community policing, in car cameras for the Traffic Division, the Indy Nite Lite Program for home detention compliance, specialized intelligence equipment for the Investigations Division, Drug Free Marion County programs, cell phones for the Chaplain's Office, sweep operations in the neighborhood around Kenwood Place Apartments in the North District, after school programs in collaboration between PAL, Christamore House, and the Boys and Girls Clubs of America, and a large media recruiting and tutoring campaign designed to attract more residents from our police jurisdiction, financed by federal and local grants.

SECTION 2. The sum of One Million Four Hundred Eleven Thousand and Six Hundred and Three Dollars (\$1,411,603) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC SAFETY

POLICE DIVISION

- 1. Personal Services
- 2. Materials and Supplies
- 3. Other Services and Charges
- 4. Capital Outlay
- TOTAL INCREASE

FEDERAL GRANTS FUND

388,430
176,712
511,900
327,797
1,404,839

DEPARTMENT OF PUBLIC SAFETY

POLICE DIVISION

- 2. Materials and Supplies
- 3. Other Services and Charges
- 4. Capital Outlay
- TOTAL INCREASE

POLICE GENERAL FUND

2,140
1,624
3,000
6,764

SECTION 4. The said additional appropriation is funded by the following reductions:

FEDERAL GRANTS FUND

- Unappropriated and Unencumbered
- Federal Grants Fund
- TOTAL REDUCTION

1,404,839
1,404,839

POLICE GENERAL FUND

- Unappropriated and Unencumbered
- Police General Fund
- TOTAL REDUCTION

6,764
6,764

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

President SerVaas reconvened the City-County Council.

Councillor Short moved, seconded by Councillor Coughenour, to strike Proposal Nos. 365 and 635, 2001, under pending proposals. PROPOSAL NO. 365, 2001. The proposal, sponsored by Councillors Schneider, Bradford, Coonrod, and Smith, repeals Special Ordinance No. 19, 2000, that authorized the Mayor to take all necessary and appropriate action for the City of Indianapolis to acquire the property of the Indianapolis Water Company. PROPOSAL NO. 635, 2001. The proposal, sponsored by Councillors Coonrod, Bradford, Schneider, and Smith, repeals Chapter 273 of the Code and authorizes the Indiana Department of Public Utilities to acquire the assets of the water utility subsidiaries of IWC Resources, Inc. Councillor Short said that these proposals deal with the sale of the water company, which has already taken place, and therefore, these proposals are moot.

Councillor Schneider asked what will happen to the proposals if no action is taken on them. General Counsel Robert Elrod said that both of these proposals will drop off the agenda before the next Council meeting whether action is taken or not. Proposal Nos. 365 and 635, 2001 were stricken by a voice vote.

NEW BUSINESS

Councillor Bradford publicly thanked Clear Channel Billboards for removing signage on a billboard across the street from Broad Ripple High School at the request of the neighbors.

Mr. Elrod read the following announcement:

Mr. President:

This Council will hold a public hearing on Rezoning Petition No. 2002-ZON-029 (Amended), Council Proposal No. 317, 2002, at its next regular meeting on July 22, 2002, such meeting to convene at 7:00 p.m. in these Council Chambers in the City-County Building in Indianapolis. This petition proposes to rezone 9.928 acres at 3096 West 62nd Street from D-A and SU-1 Districts to a D-4 classification to provide for residential development.

Written objections that are filed with the Clerk of the Council shall be heard at such time, or the hearing may be continued from time to time as found necessary by the Council.

Councillor Gray asked Councillors to keep the family of Paul Jolliff, the Indianapolis firefighter who drowned in a recent training exercise, in their prayers. He said that Mr. Jolliff's widow was left with a two-year-old son and is also seven months pregnant. President SerVaas commended the Mayor and public safety officials for suspending all water rescue training until the procedures can be evaluated to prevent such future incidents.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor McWhirter in memory of Jack L. Winkler and Cecil A. Kirkham; and
- (2) Councillors Soards, Schneider, and Bradford in memory of Bryce Mitchell; and
- (3) Councillor Talley in memory of Elsie Kelly, Thelma Willis, and Beatrice Miller; and
- (4) Councillor Gibson in memory of Donald L. Willetts; and
- (5) Councillor Short in memory of Robert "Red" Dellen; and
- (6) Councillors Gray and Langsford in memory of Paul Jolliff.

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Jack L. Winkler, Cecil A. Kirkham, Bryce Mitchell, Elsie Kelly, Thelma Willis, Beatrice Miller, Donald L. Willetts, Robert "Red" Dellen, and Paul Jolliff. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:53 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 24th day of June, 2002.

June 24, 2002

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.



President

ATTEST:



Clerk of the Council

(SEAL)

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, JULY 22, 2002**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:17 p.m. on Monday, July 22, 2002, with President SerVaas presiding.

Councillor Knox led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

26 PRESENT: Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Nytes, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford
3 ABSENT: Bainbridge, Moriarty Adams, Sanders

A quorum of twenty-six members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Borst said that Councillor Bainbridge had a hip and knee replacement recently, and he is at home and doing well. Councillor Langsford recognized Robert Stoffel of the Forest Creek Neighborhood Association. Councillor Black introduced Joe Simpson, president of the Board of Directors of Cardinal Ritter High School. Councillor Nytes welcomed Michael Crowther, new president and chief executive officer of the Indianapolis Zoological Society. Mr. Crowther said that he moved to Indianapolis because he would rather raise his young children in this type of environment, and because he believes the Indianapolis Zoo can be turned into the best zoo in the world by 2010. Councillor Gray recognized Indianapolis Fire Department (IFD) Senior Deputy Chief of Operations David Grider and Tom Hanify, president of Indianapolis Firefighters Local 416. Councillor Dowden introduced Jerry Mann, a local engineer who has helped in many developments in the City. Councillor Conley recognized his wife, Judy Conley. Councillor

Soards recognized State Senator Murray Clark. Councillor Brents recognized friends Reverend Oscar Smith and his wife, Laura.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, July 22, 2002, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Beurt SerVaas
President, City-County Council

June 25, 2002

TO PRESIDENT SERVAAS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, June 28, 2002, a copy of a Notice of Public Hearing on Proposal Nos. 287-293, 296-299, 301-308, and 317, 2002, said hearing to be held on Monday, July 22, 2002, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Suellen Hart
Clerk of the City-County Council

July 5, 2002

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Suellen Hart, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 50, 2002 - approves an increase of \$3,000 in the 2002 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to provide salary support for an IVRP (Indianapolis Violence Reduction Partnership) coordinator, funded by a state grant

FISCAL ORDINANCE NO. 51, 2002 - approves an increase of \$350,000 in the 2002 Budget of Community Corrections (Home Detention Fund) to compensate the County for the housing of felons in the Corrections Center Component, financed by fund balances

FISCAL ORDINANCE NO. 52, 2002 - approves an increase of \$316,142 in the 2002 Budget of Community Corrections (State and Federal Grants Fund) to appropriate carryover funds from FY 1999/2000 and FY 2000/2001 from adult and juvenile programs to compensate the County for the housing of felons in the Corrections Center Component

FISCAL ORDINANCE NO. 53, 2002 - approves an increase of \$182,775 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) to provide funding for a mental health component, funded by a state grant (Indiana Department of Correction Community Corrections Grant Program)

FISCAL ORDINANCE NO. 54, 2002 - approves an appropriation of \$22,792 in the 2002 Budget of Community Corrections (Home Detention Fund) to pay the rent and telephone expenses for an office at the Forest Manor Multi-Service Center, financed by fund balances

FISCAL ORDINANCE NO. 55, 2002 - approves an appropriation of \$755,000 in the 2002 Budget of the Department of Public Works, Operations Division (Consolidated County Fund) to fund the expansion of the Abandoned Vehicle Program to process vehicles from private property, financed by fund balances

FISCAL ORDINANCE NO. 56, 2002 - approves an increase of \$615,000 in the 2002 Budget of the Department of Public Works, Engineering Division (Storm Water Management Fund) to continue the stormwater billing system and finance a contract for account review services, financed by fund balances

FISCAL ORDINANCE NO. 57, 2002 - approves a transfer of \$10,624 in the 2002 Budgets of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to provide salary support for the Metro Drug Task Force

GENERAL ORDINANCE NO. 71, 2002 - authorizes a traffic signal for Airport Expressway, Bradbury Access, and Stout Field East Drive (District 17)

GENERAL RESOLUTION NO. 4, 2002 - establishes that the City-County Council is interested in making the purchase of approximately 1.5 acres located at 1711 East 39th Street

SPECIAL RESOLUTION NO. 42, 2002 - recognizes long time University of Indianapolis WICR Radio, General Manager Edward (Ed) Roehling

SPECIAL RESOLUTION NO. 43, 2002 - recognizes Prince Julius Adeniyi as Indiana's first Young Audiences national Artist of the Year

SPECIAL RESOLUTION NO. 44, 2002 - recognizes the Indy Parks Greenways latest awards, and National Recreational Trails designation by the National Park Service

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 2002 - approves a re-appropriation of \$1,411,603 in the 2002 Budget of the Department of Public Safety, Police Division (Federal Grants and Police General Funds) for a variety of community policing initiatives, youth programs, and law enforcement equipment, financed by federal and local grants

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of June 24, 2002. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 359, 2002. The proposal, sponsored by Councillor Bradford, recognizes National Spelling Bee contestant Trevor Leslie. Councillor Bradford read the proposal and presented Mr. Leslie with a copy of the document and a Council pin. Mr. Leslie thanked the Council for the recognition and thanked his sponsors. Dan Jones, Deputy Auditor representing the Eastwood Neighborhood Association, commended Mr. Leslie and stated that his community is proud of his accomplishment. Councillor Bradford moved, seconded by Councillor Talley, for adoption. Proposal No. 359, 2002 was adopted by a unanimous voice vote.

Proposal No. 359, 2002 was retitled SPECIAL RESOLUTION NO. 45, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 45, 2002

A SPECIAL RESOLUTION recognizing National Spelling Bee contestant Trevor Leslie.

WHEREAS, the 75-year-old Scripps Howard National Spelling Bee is the nation's largest and longest-running spelling bee educational program; and

WHEREAS, it is limited to students who have not reached their 16th birthday nor are beyond the eighth grade; and

WHEREAS, at the advanced contest levels, the spelling words are chosen from a 460,000-word Webster's Dictionary, and this years finalist winning word was "prospicience", and

WHEREAS, in late May, Trevor Leslie a sixth-grader at Washington Township's Eastwood Middle School made it through the school, local and regional spelling bee competition and went to the national finals in Washington, D.C.; and

WHEREAS, Trevor didn't quite make the national title -- no Hoosier has won the championship trophy since 1928 -- but his hard work, focus, studying and experiences has reflected great credit upon himself; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes and congratulates Trevor Leslie for advancing to the national finals of the spelling bee contest.

SECTION 2. Trevor, the son of proud parents Kent and Mary Leslie, can steel himself for another run for the trophy next year, but even if he doesn't, the work that he has already done has made him a winner in more ways than what he can probably appreciate at this time.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 360, 2002. The proposal, sponsored by Councillor Boyd, recognizes the high school graduating seniors of the Mayor's Youth Council. Councillor Boyd read the proposal and presented representatives with copies of the document and Council pins. Councillor Talley moved, seconded by Councillor Gray, for adoption. Proposal No. 360, 2002 was adopted by a unanimous voice vote.

Proposal No. 360, 2002 was retitled SPECIAL RESOLUTION NO. 46, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 46, 2002

A SPECIAL RESOLUTION recognizing the high school graduating seniors of the Mayor's Youth Council.

WHEREAS, Indianapolis Mayor Bart Peterson created his Mayor's Youth Council in the year 2000 to advise him on youth issues, help plan youth town hall conferences, and to volunteer their time in community work; and

WHEREAS, Council members are age 14 to 18 and are nominated by schools, faith-based organizations and by community group leaders; and

WHEREAS, during the past two years the Youth Council has participated in the "Violent Video Buyback Program", some attended National League of Cities meetings in Boston and Atlanta, appeared on radio and TV to promote the work of the Council, and won a \$2,000 grant from "Youth as Resources" to give 120 school backpacks to homeless youth; and

WHEREAS, three Youth Council Members served on city boards and commissions: John Stickler on the Information Technology Board, Sierra Weaver on the Greenways Board, and Amir Hayat on the Mayor's Commission on Latino Affairs; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the Mayor's Youth Council as a means of gaining meaningful understanding between young people and City Hall.

SECTION 2. The Council congratulates the Youth Council's graduating seniors: Uriel Caldera and Russell McDonald (Warren), Ryan Neal (Park Tudor), Isabel Rodriguez (Roncalli) John Stickler and Reginald Walton (Ben Davis), Anita Michelle Cobb (Broad Ripple), Catherine "Katie" Crossin and Amir Hayat (Brebeuf), Ryan Donovan (Franklin), Stacey Koerner (Decatur), Siem Tesfaslase (Arlington), Sierra Weaver (North Central), and Shanna Wiley (Beech Grove).

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 361, 2002. The proposal, sponsored by Councillor Talley, recognizes Laura M. A. Moore Smith. Councillor Talley read the proposal and presented Ms. Smith with a copy of the document and a Council pin. Ms. Smith and her husband Reverend Smith thanked the Council for the recognition. Councillor Talley moved, seconded by Councillor Black for adoption. Proposal No. 361, 2002 was adopted by a unanimous voice vote.

Proposal No. 361, 2002 was retitled SPECIAL RESOLUTION NO. 47, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 47, 2002

A SPECIAL RESOLUTION recognizing Laura M. A. Moore Smith.

WHEREAS, Mrs. Laura M. A. Moore Smith's spiritual anchor is Psalm 27:1 "The Lord is my light and my salvation; whom shall I fear? The Lord is the strength of my life; of whom shall I be afraid?"; and

WHEREAS, Mrs. Smith overcame her very humble beginnings and earned her B.S. Degree in home economics in education from Jackson State College, Jackson, Mississippi, her Master's Degree from Indiana University at Indianapolis, and an endorsement in home economics from Butler and Purdue Universities; and

WHEREAS, Mrs. Smith is involved in many community and Church projects and programs, as well as other purposeful humane acts of one-on-one charity and kindness; and

WHEREAS, Indianapolis is a proud city of achievement, and is a city that has been the beneficiary of the many gifts and talents of Mrs. Laura M. A. Moore Smith; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes Laura M. A. Moore Smith, as a real character builder and role model for our youth in Indianapolis.

SECTION 2. As we reach the mid-point of the second year of the new Millennium, I pray that Mrs. Smith continues seeking and accepting the new challenges and opportunities for future generations.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 358, 2002. The proposal, sponsored by Councillors Bradford, Schneider, Dowden, Coonrod, Tilford, and Smith, declares the Indianapolis City-County Council's support of the Pledge of Allegiance. Councillor Bradford invited any Councillors to come forward in support of the proposal as it is read. Councillor Schneider read the proposal and moved, seconded by various Councillors, for adoption.

Councillor Nytes said that while she is in support of the spirit of this proposal, she has never known this Council to engage in name-calling. She moved, seconded by Councillor Talley, to amend Proposal No. 358, 2002, by striking out the second half of Section 2 beginning with the words "by crank lawyers and out-of-touch federal judges." Councillor Horseman agreed, as a lawyer, that this is offensive, and that there are cases pending in front of federal judges, and such disrespect would not be viewed as advantageous.

The proposal was amended by a voice vote. Proposal No. 358, 2002, as amended, was adopted by a unanimous voice vote. Councillor Bradford asked that Councillor Knox again come forward and lead the Council body in the Pledge of Allegiance to the flag.

Proposal No. 358, 2002, as amended, was retitled COUNCIL RESOLUTION NO. 70, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 70, 2002

A COUNCIL RESOLUTION declaring the Indianapolis City-County Council's support of the Pledge of Allegiance.

WHEREAS, the patriotic Pledge of Allegiance was written by a Baptist minister in 1892, and that same year, former Indianapolis City Attorney, then President Benjamin Harrison, a Presbyterian, issued a Presidential Proclamation that the Pledge which promotes values and citizenship should be recited in public schools during Columbus Day observances; and

WHEREAS, in 1954, a Catholic fraternal organization, the Knights of Columbus, successfully petitioned President Eisenhower and Congress to add "under God" to the pledge; and

WHEREAS, the 31-word Pledge contains four themes which account for much of what has made America great: Loyalty, unity of the people, reverence for God, and freedom for all; and

WHEREAS, last month the federal Ninth Circuit Court of Appeals in San Francisco ruled 2-1 that the two words "under God" were unconstitutional, and suddenly the nine Western states in that court's domain cannot begin a school day with the Pledge of Allegiance; and

WHEREAS, in a time of mass suicide-murders in America, a difficult war on terrorism, forest fires consuming the West, a heat wave, floods in Texas, a stock market implosion that is wrecking retirement funds, and questionable ethics of some corporations and accounting firms, these federal judges appointed for life in California decided that a student was "injured" as her classmates recited a pledge that asks God to watch over America; now, therefore

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council does hereby strongly support America's Pledge of Allegiance, and condemns the befuddled twisting of the Constitution by the Federal Circuit Court of Appeals in San Francisco regarding the Pledge.

SECTION 2. The Pledge does not "establish a religion" as a court decided, and if the First Amendment is eroded by a decree of two federal judges, the Council fears that other Constitutional freedoms of the American people will be watered down.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Borst asked for consent to vote on Proposal Nos. 310 and 315, 2002 together. Both proposals are board appointments which passed out of their respective committees with do pass recommendations. Consent was given.

PROPOSAL NO. 310, 2002. The proposal, sponsored by Councillors Nytes, Boyd, and Gibson, appoints Gary A. Gibson to the Equal Opportunity Advisory Board. PROPOSAL NO. 315, 2002. The proposal, sponsored by Councillors McWhirter and Smith, appoints Judy Stanley to the Indianapolis City Market Corporation Board of Directors. By unanimous votes, the Committees reported the proposals to the Council with the recommendation that they do pass. Councillor Borst moved, seconded by Councillor Nytes, for adoption. Proposal Nos. 310 and 315, 2002 were adopted by a unanimous voice vote.

Proposal No. 310, 2002 was retitled COUNCIL RESOLUTION NO. 71, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 71, 2002

A COUNCIL RESOLUTION appointing Gary A. Gibson to the Equal Opportunity Advisory Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Equal Opportunity Advisory Board, the Council appoints:

Gary A. Gibson

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 315, 2002 was retitled COUNCIL RESOLUTION NO. 72, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 72, 2002

A COUNCIL RESOLUTION appointing Judy Stanley to the Indianapolis City Market Corporation Board of Directors.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Indianapolis City Market Corporation Board of Directors, the Council appoints:

Judy Stanley

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 329, 2002. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which is a final resolution and public hearing for Pleasant Run Apartments not to exceed \$13,000,000 which project consists of the acquisition and rehabilitation of a 252-unit apartment complex on an approximately 16 acre parcel of land located at 1366 North Arlington Avenue (District 12)"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 330, 2002. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which is an inducement resolution for Orchard Park Apartments in an amount not to exceed \$2,300,000 which project consists of the acquisition and rehabilitation of the existing 98-unit, apartment complex on an approximately 6.784 acre parcel of real estate located at 3201 North Baltimore (District 11)"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 331, 2002. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$166,790 in the 2002 Budget of the City-County Council (Consolidated County Fund) to reappropriate funds spent on the review and analysis of the City's purchase of the Indianapolis Water Co., funded by fund balances"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 332, 2002. Introduced by Councillors Sanders and Tilford. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$70,000 in the 2002 Budget of the Department of Administration, Fleet Services Division (Federal Grants Fund) to install a 5000 gallon above ground fuel tank, with canopy, at 1736 S. West Street, to dispense ethanol (E85) fuel, financed by a federal grant"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 333, 2002. Introduced by Councillors Coughenour and Nytes. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$12,000 in the 2002 Budget of the Office of the Controller (Landmark Building Preservation Fund) to cover the cost of installing windows in the East Building of the City Market Building that are not covered by a \$10,000 grant received by the City Market Board, financed by fund balances"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 334, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$225,000 in the 2002 Budget of the County Auditor (Cumulative Capital Fund) for the rent payment of the Child Advocacy Center, funded by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 335, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$225,000 in the 2002 Budgets of the County Auditor, Prosecuting Attorney, and Community Corrections (County General Fund) to fully staff D-Felony level courts in parity with the Public Defender and increase the capacity of the Annex from 280 to 340 inmates, financed by a transfer from the County Auditor"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 336, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$201,249 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) to expand the capacity of the current Community Transition Program, funded by a state grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 337, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$107,006 in the 2002 Budgets of the County Auditor and Community Corrections (Home Detention User Fee Fund) for additional staff due to the enormous growth in the Community Transition and Day Reporting

Programs, and also due to jail overcrowding, financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 338, 2002. Introduced by Councillors Dowden and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$53,600 in the 2002 Budget of the Department of Public Safety, Emergency Management and Planning Division (Consolidated County Fund) to fund one new position for volunteer coordination during emergencies, financed by grants from the American Red Cross and the State Emergency Management Agency"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 339, 2002. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$14,195 in the 2002 Budget of the Department of Public Safety, Police Division (Consolidated County Fund) to fund one new position to complete the physical registration process for all sex offenders required to register in Marion County, maintain the sex offender database for the City and County, and disseminate information regarding the registry, as required by IC 36-2-13-5.5, financed by partial reimbursement from the Marion County Sheriff's Department, and by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 340, 2002. Introduced by Councillors Cockrum and Soards. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a reappropriation of \$250,000 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) as partial funding for the purchase of 101 acres of the Mann Property, to be used for additional recreational facilities with direct access to the White River in Decatur Township, financed by fund balances"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 341, 2002. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which requires that proposals for fiscal ordinances, other than those funded by a grant with no matching funds, must include both the previous year's closing fund balance and a projection of the current year's ending fund balance"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 342, 2002. Introduced by Councillor Langsford. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the schedules of ordinance violations for the Town of Cumberland"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 343, 2002. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which fixes the annual compensation of all elected officials and all appointed officers, deputies and employees of the Consolidated City and Marion County, and establishes budgetary procedures for amending compensation restrictions"; and the President referred it to the Administration and Finance Committee and parts of Exhibit A will be referred to Metropolitan Development, Parks and Recreation, Public Safety and Criminal Justice, and Public Works Committees.

PROPOSAL NO. 344, 2002. Introduced by Councillor Langsford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Alice Avenue and Peach Tree Lane; and at Alice Avenue and Strawberry Lane (District 13)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 345, 2002. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Crystal Drive and Halifax Drive (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 346, 2002. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 12th Street and Brooks Street (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 347, 2002. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes the removal of the multi-way stop at 11th Street and Eleanor Street (District 18)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 348, 2002. Introduced by Councillor Soards. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes the removal of the multi-way stop at Hunters Green Place and Hunters Green Way (District 1)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 349, 2002. Introduced by Councillor Soards. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Gateway Drive between Glen Arm Road and High School Road; and on Westhaven Drive between Glen Arm Road and High School Road (District 1)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 350, 2002. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in parking restrictions on Rural Street between Carson Avenue and Hanna Avenue (District 24)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 351, 2002. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in parking restrictions on Limestone Street between New York Street and Michigan Street (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 352, 2002. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in parking restrictions on East Street between Georgia Street and Pearl Street (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 353, 2002. Introduced by Councillor Short. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a weight limit restriction on Hamilton Avenue between English Avenue and Southeastern Avenue (District 21)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 355, 2002. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Bruce B. Melchert to the Indianapolis City Market Corporation Board of Directors"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 356, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Jon M. Bailey to the Marion County Public Defender Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 357, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Virginia Dill McCarty to the Marion County Public Defender Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

Councillor Langsford made the following motion:

Mr. President:

I move that Proposal No. 371, 2002 (Rezoning Case 2002-ZON-005) be scheduled for a hearing before this Council at its next regular meeting on August 5, 2002 at 7:00 p.m. and that the Clerk read the announcement of such hearing and enter same in the minutes of this meeting.

Councillor Borst seconded the motion, and Proposal No. 371, 2002 was scheduled for a public hearing on August 5, 2002 by a unanimous voice vote and is identified as follows:

2002-ZON-005

1419 BADE ROAD (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13

MANN PROPERTIES, by Stephen D. Mears, requests a rezoning of 120.56 acres, being in the D-A (FW) (FF) District, to the D-2 (FW) (FF) classification to provide for a single-family residential development.

Robert Elrod, General Counsel, read the following:

Mr. President:

This Council will hold a public hearing on Rezoning Petition No. 2002-ZON-005, Council Proposal No. 371, 2002, at its next regular meeting on August 5, 2002, such meeting to convene at 7:00 p.m. in these Council Chambers in the City-County Building in Indianapolis. This petition proposes to rezone 120.56 acres at 1419 Bade Road from a D-A (FW) (FF) District, to the D-2 (FW) (FF) classification to provide for a single-family residential development.

Written objections that are filed with the Clerk of the Council shall be heard at such time, or the hearing may be continued from time to time as found necessary by the Council.

PROPOSAL NO. 362, 2002, PROPOSAL NO. 363, 2002, PROPOSAL NOS. 364-370, 2002, and PROPOSAL NOS. 372-374, 2002. Introduced by Councillor Smith. Proposal No. 362, 2002, Proposal No. 363, 2002, Proposal Nos. 364-370, 2002, and Proposal Nos. 372-374, 2002 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on July 18, 2002. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 84-95, 2002, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 84, 2002.

2002-ZON-019

5700 MADISON AVENUE (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 20

REAINCO DEVELOPMENT CORPORATION requests a rezoning of 3.96 acres, being in the D-3 District, to the C-4 classification to provide for a community-regional commercial shopping center.

REZONING ORDINANCE NO. 85, 2002.

2002-ZON-821

140 and 203 SOUTH AUDUBON ROAD (approximate addresses), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13.

SHERRIE A. LEUCHT, by Edward Williams, requests a rezoning of 0.481 acre, being in the D-6, C-1, and C-3 Districts, to the C-3 classification to provide for a restaurant.

REZONING ORDINANCE NO. 86, 2002.

2002-ZON-041

5722 SOUTH HARDING STREET (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 25

SOUTH HARDING LIMITED PARTNERSHIP, by Christopher D. Long, requests a rezoning of 4.05 acres, being in the I-2-S (FF)(W-1) District, to the C-S (FF)(W-1) classification to provide for all I-2-S uses and a motor truck/trailer terminal with truck sales, leasing, truck/trailer equipment storage, and associated operations.

REZONING ORDINANCE NO. 87, 2002.

2002-ZON-050

89 NORTH 17TH AVENUE and 1600, 1616, 1618, and 1624 WEST MAIN STREET (approximate address), BEECH GROVE.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24

ROMAN CATHOLIC ARCHDIOCESE OF INDIANAPOLIS. PROPERTIES, INC., by James L. Touhy, request a rezoning of 3.48 acres, being in the SU-2 and D-5 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 88, 2002.

2002-ZON-065

1650 SOUTH GIRLS SCHOOL ROAD (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 19

HOWARD L. LACEY, III AND MELISSA ANN LACEY, by Michael J. Kias, request a rezoning of 1.0 acre, being in the D-5 District, to the C-5 classification to provide for the commercial development.

REZONING ORDINANCE NO. 89, 2002.

2002-ZON-068

6283 OAKLANDON ROAD (approximate address), LAWRENCE

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 5.

PENDLETON PIKE PROPERTIES and WATSON'S INDIANAPOLIS. PROPERTIES, by Thomas Michael Quinn, request a rezoning of 9.3 acres, being in the D-A District, to the C-5 classification to provide for retail commercial development.

REZONING ORDINANCE NO. 90, 2002.

2002-ZON-070

529, 533, 537, 541, 544, 545, 548, 549, 553, 554, 556, and 560 WEST 30TH STREET and 3011 CALIFORNIA STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16.

DEPARTMENT OF METROPOLITAN DEVELOPMENT requests a rezoning of 1.14 acres, being in the C-1 District, to the D-8 classification to legally establish 12 single-family dwellings.

REZONING ORDINANCE NO. 91, 2002.

2002-ZON-074

2635-2751 SOUTH EAST STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 20

CHRISTEL HOUSE, INC, by Philip A. Nicely, requests a rezoning of 24.28 acres, being in the SU-1 and C-2 Districts, to the SU-2 classification to provide for educational uses.

REZONING ORDINANCE NO. 92, 2002.

2002-ZON-075

2111, 2135, and 2137 NORTH KITLEY AVENUE (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 10

CHRISTIAN COMMUNITY MISSIONARY BAPTIST CHURCH, INC. requests a rezoning of 1.001 acres, being in the I-2-S District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 93, 2002.

2002-ZON-051

8235 SOUTH FRANKLIN ROAD (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23

VILLA BAPTIST CHURCH, by David Kingen, requests a rezoning of 19.661 acres, being in the D-A District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 94, 2002.

2002-ZON-052

7117 SOUTH US 31 (approximate address) INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 20

PAUL D. and MARY X. CALDWELL, by David Retherford, request a rezoning of 0.519 acre, being in the D-3 District, to the C-1 classification to provide for an office use.

REZONING ORDINANCE NO. 95, 2002.

2002-ZON-079

450 EAST EPLER AVENUE (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 25

CARL E. STAGE requests a rezoning of 0.5 (±) acre, being in the D-A District, to the C-1 classification to provide for an insurance office.

PROPOSAL NO. 328, 2002. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 328, 2002 on July 8, 2002. The proposal, sponsored by Councillor Smith, is a final resolution and public hearing for Herman Associates, Inc. in an amount not to exceed \$14,000,000 which project consists of the rehabilitation of a 344-unit pre-existing apartment complex on an approximately 22.04 acre parcel of real estate located at 3215 North Alton Avenue (District 9). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Gray said that there have been remonstrators at some of the community meetings and there are some mixed feelings. He said that Cardinal Ritter High School and Marian College are concerned that this development may not allow them room to expand, but this project is supported by residents and City staff. He added that there were other suggestions, but no one has come forth with another proposal or secured financial backing. He said that there is a shortage of housing and the residents who live there strongly support this project, and he cannot deny quality housing to those who need it.

Councillor Borst said that he received some contact over the weekend by neighbors who felt they were left out of the public input process. He said that they did not seem to want to halt the process, but would simply like an informational hearing. He asked if it is time-sensitive or if another public hearing could be held. Councillor Gray said that this project has already been delayed for numerous additional public hearings, and if the project is further delayed, it could jeopardize the funding. Rod Morgan, bond counsel for the Economic Development Commission, said that full complete published hearings have been held, and there have been remonstrators at every meeting. He said that there have already been several delays due to remonstrators' wishes, and he feels a further delay is unnecessary.

President SerVaas asked what the objection is by these remonstrators. Mr. Morgan said that he is not in a position to speak for the remonstrators, but Joe Simpson, president of the Board of Directors of Cardinal Ritter High School, might be able to express those objections. Mr. Simpson said that the high school and the neighbors felt due process did not take place. He said that there are some letters of support from the community, but not everyone was notified of public hearings. He added that the high school is concerned with being competitive in the future.

Councillor Gray said that prolonging this for another public hearing would not serve much of a purpose. He said that the high school should simply keep in contact with the developer and be aware of the development as it takes shape.

Councillor Knox said that his two youngest daughters graduated from Cardinal Ritter, and there are problems on the road across from Ritter behind this apartment complex. He said that more security is needed in the new development or problems will continue.

Councillor Smith moved, seconded by Councillor Gray, for adoption. Proposal No. 328, 2002 was adopted on the following roll call vote; viz:

25 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Langsford, Massie, McWhirter, Nytes, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford

1 NAY: Knox

0 NOT VOTING:

3 ABSENT: Bainbridge, Moriarty Adams, Sanders

Proposal No. 328, 2002 was retitled SPECIAL ORDINANCE NO. 3, 2002, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 3, 2002

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue \$14,000,000 City of Indianapolis, Indiana Multifamily Housing Revenue Bonds, Series 2001 (Heritage Park Apartments Project) (the "Bonds") and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code Title 36, Article 7, Chapters 11.9 and 12 (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, the Act provides that an issuer may, pursuant to the Act, issue revenue bonds and lend the proceeds thereof to a corporation, partnership, trust or individual for the purpose of financing costs of acquisition or construction of facilities, including real and personal property, for diversification of economic development and promotion of job opportunities in or near such issuer; and

WHEREAS, the Act provides that such bonds may be secured by a trust indenture between an issuer and a corporate trustee; and

WHEREAS, Herman Associates, Inc. on behalf of Heritage Park Apartments (the "Borrower") has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Borrower in order to enable the Borrower to finance certain capital assets, including, but not limited to, the acquisition, rehabilitation, renovation, construction and equipping of an existing apartment complex with a total of 344 units, located on approximately 22 acres, at 3215 N. Alton, in Indianapolis, Indiana (the "Project"); and

WHEREAS, the Indianapolis Economic Development Commission has rendered a report concerning the proposed financing of economic development facilities for the Borrower and the report has been submitted to the Metropolitan Development Commission of Marion County for comment thereon; and

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the Project by issuing not to exceed \$14,000,000 City of Indianapolis, Indiana Multifamily Housing Revenue Bonds, Series 2001 (Heritage Park Apartments Project) (Heritage Park Apartments Project) (the "Bonds"); and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on this date, pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), found that the financing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the Issuer and its citizens; and

WHEREAS, the financing will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating in the same market area or in or about Marion County, Indiana; and, now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Financing Documents consisting of the Project, the issuance and sale of the Bonds, the loan of the net proceeds thereof to the Borrower for the purposes of financing or providing reimbursement for a portion of the cost of the Project, and the repayment of said loan by the Borrower will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The forms of the Financing Documents presented herewith are hereby approved and all such documents shall be kept on file on by the Clerk of the Council or City-Controller.

SECTION 3. The Commission hereby recommends the Issuer issue the Bonds in one or more series and in the principal amounts not to exceed \$14,000,000 for the purpose of procuring funds to loan to the Borrower in order to finance or provide reimbursement for a portion of the cost of the Project, which Bonds will be payable as to principal and interest solely from the payments made by the Borrower. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. Rule 15c2-12(b)(1) of the Securities Exchange Act of 1934, as amended (the "SEC Rule"), provides that, prior to the time a participating underwriter or placement agent bids for, purchases, offers or sells municipals securities, the participating underwriter or placement agent shall obtain and review an official statement that an issuer of such securities deems a "near final" official statement. The Commission recommends that: (i) the Issuer approve the use and distribution of a Preliminary Official Statement and an Official Statement, in substantially the form submitted to the Issuer, in connection with the issuance, sale and delivery of the Bonds, and that the Mayor of the Issuer sign the Official Statement if so requested by counsel to the Underwriter; (ii) the Issuer deem the Preliminary Official Statement to be final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters; and (iii) the Mayor, the City Clerk or any other officer or the Issuer familiar with the matters with respect to the Issuer set forth in the Preliminary Official Statement certify to the Underwriter that the information in the Preliminary Official Statement with respect to the Issuer is deemed to be final within the meaning of the SEC Rule prior to the distribution of the Preliminary Official Statement.

SECTION 5. The City Clerk and City Controller are authorized and directed to sell such Bonds to the purchasers thereof at a price not less than 97% of the aggregate principal amount thereof plus accrued interest, if any, and at rates of interest not to exceed 12% per annum. The Bonds will mature no later than 40 years from their date of issuance.

SECTION 6. The Commission recommends that the Mayor and City Clerk be authorized and directed to execute those Financing Documents approved herein which require the signature of the Mayor and City Clerk and any other document which may be necessary or desirable to consummate the transaction. The signatures of the Mayor and the City Clerk on the Bonds may be facsimile signatures. The Commission also recommends that the City Clerk and City Controller be authorized to arrange for the delivery of such Bonds to the purchaser, payment for which will be made in the manner set forth in the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk without further approval of the City-County Council or the Commission if such changes do not affect terms set forth in Indiana Code Title 36, Article 7, Chapter 12, Section 27(a)(1) through (a)(10).

SECTION 7. The provisions of the special ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Bonds and after the issuance of said

Bonds, the special ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 8. The Commissions recommends that the Issuer preliminarily find and determine that the amount of tax credits to be allocated to the Project under Section 42 of the Code and regulations promulgated thereunder does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, the Issuer has relied upon representations of the Borrower. The foregoing determinations shall not be construed to be a representation or warranty by the Issuer as to the feasibility or viability of the Project. The Issuer hereby authorizes and directs the Mayor of the City of Indianapolis to review and make the foregoing determination again for and on behalf of the Issuer at the request of the Borrower, following receipt of supporting materials submitted by the Borrower to the Indiana Housing Finance Authority ("IHFA") and either written representations of the Borrower or of IHFA to the effect that (i) the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project and (ii) the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan. Such determinations shall occur on or about the date of the sale of the Bonds to the Purchasers thereof and on or about the date that each building is placed in service. In reliance upon the representations of the Borrower, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan.

SECTION 9. The Secretary of this Commission is directed to cause this resolution and two copies of the Financing Documents in their final forms to be transmitted to the office of the Clerk of the Council for presentation to the City-County Council with the recommendation that the City-County Council approve such documents in their final forms pursuant to the proposed form of Special Ordinance hereby recommended to the City-County Council.

Councillor Borst said that it seems due process has been served and public hearings have been held, or otherwise he would have voted to return the proposal to Committee. Councillor Gray added that he will be diligent to make sure that the developer lives up to the community expectations in providing a quality project with proper security.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 317, 2002. The proposal, sponsored by Councillor Smith, proposes to rezone 9.928 acres at 3096 West 62nd Street in Pike Township, Councilmanic District 1, being in the D-A and SU-1 Districts to a D-4 classification to provide for residential development (2002-ZON-029 [Amended]). On June 24, 2002, Councillor Soards called Proposal No. 317, 2002 out for public hearing for July 22, 2002.

Councillor Soards made the following motion:

Mr. President:

I am pleased to report that an agreement has been reached between the petitioners and remonstrators, and it will not be necessary to have a full public hearing on this matter; therefore I move that Proposal No. 317, 2002 (Rezoning Petition No. 2002-ZON-029 [Amended]) be adopted.

Councillor Gray seconded the motion.

Michael Quinn, counsel for the petitioner, said that a list of requests was given to the developer at a preliminary hearing, and he feels most of these items have been resolved, and he read some amendments to the commitments. Don Drenner and Michelle Hall, representatives of the Homeowners Association, said that they are pleased with the outcome and thanked the Council for working with them through this process.

Proposal No. 317, 2002 was adopted by a unanimous voice vote. Proposal No. 317, 2002 was retitled for identification as REZONING ORDINANCE NO. 96, 2002, the original copy of which ordinance is on file with the Metropolitan Development Commission, and is identified as follows:

REZONING ORDINANCE NO. 96, 2002.
2002-ZON-029 (Amended)
3096 WEST 62nd STREET (approximate address), INDIANAPOLIS.
PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1
HERITAGE DEVELOPMENT OF INDIANA, LLC., by Thomas Michael Quinn, requests a rezoning of 9.928 acres, being in the D-A and SU-1 Districts, to the D-4 classification to provide for residential development

PROPOSAL NO. 241, 2002. Councillor Dowden reported that Proposal No. 241, 2002 was tabled by the Public Safety and Criminal Justice Committee on May 22, 2002 and postponed in Council on June 03, 2002. The proposal, sponsored by Councillors Dowden and Soards, approves an increase of \$50,000 in the 2002 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to provide for contractual and consulting services for an Alternative Dispute Resolution, funded by a federal grant. Councillor Dowden moved, seconded by Councillor Smith, to postpone Proposal No. 241, 2002 until August 26, 2002. Proposal No. 241, 2002 was postponed by a unanimous voice vote.

Councillor Dowden asked for consent to handle all Public Safety and Criminal Justice Committee proposals at this time. Consent was given. Councillor Dowden reported that the Committee heard Proposal Nos. 290-300, 2002 on July 10, 2002. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 290, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$12,500 in the 2002 Budget of the Clerk of the Circuit Court (Clerk's Perpetuation Fund) to fund off-site storage of records and the electronic preservation of paternity and financial documents, financed by fund balances. PROPOSAL NO. 291, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$20,500 in the 2002 Budget of the Clerk of the Circuit Court (Enhanced Access Fund) to fund the Small Claims Court judgement docket program into the JUSTIS system and the data entry of divorce index books into an electronic database, financed by fund balances. PROPOSAL NO. 292, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$20,021 in the 2002 Budget of the Marion County Justice Agency and the County Auditor (State and Federal Grants Fund) to support the continuation of the Arrestee Drug Abuse Monitoring Program (ADAM), funded by a federal grant. PROPOSAL NO. 293, 2002. The proposal, sponsored by Councillors Dowden and Soards, approves an increase of \$25,368 in the 2002 Budget of the Marion County Justice Agency (Law Enforcement Fund) to reimburse the County Sheriff for 151 bulletproof vests, financed by fund balances. PROPOSAL NO. 296, 2002. The proposal, sponsored by Councillors Dowden and Soards, approves an increase of \$25,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to continue funding for Child Advocates, Inc., funded by a grant from Indiana Criminal Justice Institute. PROPOSAL NO. 297, 2002. The proposal, sponsored by Councillors Dowden and Moriarty Adams, approves an appropriation of \$4,039 in the 2002 Budget of the Department of Public Safety, Emergency Management and Planning Division (Federal Grants Fund) to purchase a fax machine, communication equipment for FCC compliance, and equipment for decontamination and hazardous material cleanup, financed by grants from the US Department of Justice. PROPOSAL NO. 298, 2002. The proposal, sponsored by Councillors Dowden and Moriarty Adams, approves a transfer of \$136,400 in the 2002 Budget of the Department of Public Safety, Police Division (City Cumulative Capital Development Fund) to purchase supplies and accessories needed to

outfit police vehicles. PROPOSAL NO. 299, 2002. The proposal, sponsored by Councillors Dowden and Moriarty Adams, approves an appropriation of \$229,939 in the 2002 Budget of the Department of Public Safety, Fire Division (Federal Grants Fund) to pay the costs incurred in managing the FEMA-sponsored Marion County Urban Search and Rescue Task Force-1 and to reimburse the Task Force for the costs of their deployment to the 2002 Winter Olympics in Salt Lake City, Utah, financed by federal funds. PROPOSAL NO. 294, 2002. The proposal, sponsored by Councillor Dowden, approves a transfer of \$8,890 in the 2002 Budgets of the County Auditor and Marion County Justice Agency (State and Federal Grants Fund) to provide sufficient funding for fringes for the Metro Drug Task Force Grant for FY 2001/2002. PROPOSAL NO. 295, 2002. The proposal, sponsored by Councillor Dowden, approves a transfer of \$102,024 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) to fund additional work release beds and day reporting slots. PROPOSAL NO. 300, 2002. The proposal, sponsored by Councillors Dowden and Talley, requests to fund MECA operations in calendar year 2003 with County Option Income Tax revenue in the amount of \$2,750,000. The Committee reported the proposals to the Council with the recommendation that they do pass.

Councillor Bradford asked if the bullet-proof vests being purchased through Proposal No. 293, 2002 are in addition to current vests or are replacement vests. Councillor Dowden said that they are replacement vests. Councillor Bradford asked how often these vests need to be replaced. Councillor Dowden said that vests are constantly being improved and there is normal wear and tear, but he is not sure of the lifespan of such vests. He added that with new officers being added, more vests are needed, as well.

President SerVaas called for public testimony at 8:39 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Borst, for adoption. Proposal Nos. 290-300, 2002 were adopted on the following roll call vote; viz:

26 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Nytes, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford

0 NAYS:

3 ABSENT: Bainbridge, Moriarty Adams, Sanders

Proposal No. 290, 2002 was retitled FISCAL ORDINANCE NO. 58, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 58, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Twelve Thousand Five Hundred Dollars (\$12,500) in the Clerk's Perpetuation Fund for purposes of the Clerk of the Circuit Court and reducing the unappropriated and unencumbered balance in the Clerk's Perpetuation Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(a) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Clerk of the Circuit Court to fund off-site storage of records and the electronic preservation of paternity and financial documents.

SECTION 2. The sum of Twelve Thousand Five Hundred Dollars (\$12,500) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>CLERK OF THE CIRCUIT COURT</u>	<u>CLERK'S PERPETUATION FUND</u>
3. Other Services and Charges	<u>12,500</u>
TOTAL INCREASE	12,500

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>CLERK'S PERPETUATION FUND</u>
Unappropriated and Unencumbered	
Clerk's Perpetuation Fund	<u>12,500</u>
TOTAL REDUCTION	12,500

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 291, 2002 was retitled FISCAL ORDINANCE NO. 59, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 59, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Twenty Thousand Five Hundred Dollars (\$20,500) in the Enhanced Access Fund for purposes of the Clerk of the Circuit Court and reducing the unappropriated and unencumbered balance in the Enhanced Access Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(a) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Clerk of the Circuit Court to fund the small claims court judgement docket program to transfer into JUSTIS and the data entry of divorce index books into an electronic data base.

SECTION 2. The sum of Twenty Thousand Five Hundred Dollars (\$20,500) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>CLERK OF THE CIRCUIT COURT</u>	<u>ENHANCED ACCESS FUND</u>
3. Other Services and Charges	<u>20,500</u>
TOTAL INCREASE	20,500

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>ENHANCED ACCESS FUND</u>
Unappropriated and Unencumbered	
Enhanced Access Fund	<u>20,500</u>
TOTAL REDUCTION	20,500

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 292, 2002 was retitled FISCAL ORDINANCE NO. 60, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 60, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Twenty Thousand Twenty-one Dollars (\$20,021) in the State and Federal Grants Fund for purposes of the Marion County Justice Agency and County Auditor and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget Section 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency and County Auditor to support the continuation of the Arrestee Drug Abuse Monitoring Program (ADAM).

SECTION 2. The sum of Twenty Thousand Twenty-one Dollars (\$20,021) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - fringes	819
<u>MARION COUNTY JUSTICE AGENCY</u>	
1. Personal Services	6,003
3. Other Services and Charges	13,199
TOTAL INCREASE	20,021

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	20,021
TOTAL REDUCTION	20,021

SECTION 5. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 293, 2002 was retitled FISCAL ORDINANCE NO. 61, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 61, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97 2001) appropriating an additional Twenty-five Thousand Three Hundred Sixty-eight Dollars (\$25,368) in the Law Enforcement Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the Law Enforcement Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (I), of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for the purpose of the Marion County Justice Agency to reimburse the County Sheriff for 151 bulletproof vests.

SECTION 2. The sum of Twenty-five Thousand Three Hundred Sixty-eight Dollars (\$25,368) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>LAW ENFORCEMENT FUND</u>
2. Supplies	25,368
TOTAL INCREASE	25,368

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>LAW ENFORCEMENT FUND</u>
Unappropriated and Unencumbered	
Law Enforcement Fund	<u>25,368</u>
TOTAL REDUCTION	25,368

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 296, 2002 was retitled FISCAL ORDINANCE NO. 62, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 62, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Twenty-five Thousand Dollars (\$25,000) in the State and Federal Grants Fund for purposes of the Marion County Superior Court, Juvenile Division and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court, Juvenile Division, to continue funding for Child Advocates, Inc.

SECTION 2. The sum of Twenty-five Thousand Dollars (\$25,000) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SUPERIOR COURT</u>		<u>STATE AND FEDERAL GRANTS FUND</u>
<u>JUVENILE DIVISION</u>		
2. Supplies	3,400	
3. Other Services and Charges		19,500
4. Capital Outlay		<u>2,100</u>
TOTAL INCREASE		25,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>25,000</u>
TOTAL REDUCTION	25,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 297, 2002 was retitled FISCAL ORDINANCE NO. 63, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 63, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) re-appropriating Four Thousand Thirty-nine Dollars (\$4,039) in the Federal Grants Fund for purposes of the Department of Public Safety, Emergency Management and Planning Division, and reducing the unappropriated and unencumbered balance in the Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(k) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Emergency Management and Planning Division, to purchase a fax machine, communication equipment for FCC compliance, and equipment for decontamination and hazardous material cleanup, financed by grants from the US Department of Justice.

SECTION 2. The sum of Four Thousand Thirty-nine Dollars (\$4,039) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u>	
<u>EMERGENCY MANAGEMENT AND PLANNING DIVISION</u>	
	<u>FEDERAL GRANTS FUND</u>
4. Capital Outlay	<u>4,039</u>
TOTAL INCREASE	4,039

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>4,039</u>
TOTAL REDUCTION	4,039

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 298, 2002 was retitled FISCAL ORDINANCE NO. 64, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 64, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 95, 2001) transferring and appropriating One Hundred Thirty-six Thousand Four Hundred Dollars (\$136,400) in the City Cumulative Capital Development Fund for purposes of the Department of Public Safety, Police Division, and reducing certain other appropriations for that division.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(k) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division, to purchase supplies and accessories needed to outfit police vehicles.

SECTION 2. The sum of One Hundred Thirty-six Thousand Four Hundred Dollars (\$136,400) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u>	
<u>POLICE DIVISION</u>	
	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
2. Materials and Supplies	<u>136,400</u>
TOTAL INCREASE	136,400

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>DEPARTMENT OF PUBLIC SAFETY</u>	
<u>POLICE DIVISION</u>	
3. Other Services and Charges	<u>136,400</u>
TOTAL REDUCTION	136,400

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 299, 2002 was retitled FISCAL ORDINANCE NO. 65, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 65, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating Two Hundred Twenty-nine Thousand Nine Hundred Thirty-nine Dollars (\$229,939) in the Federal Grants Fund for purposes of the Department of Public Safety, Fire Division, and reducing certain other appropriations for that division.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(k) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated to pay the costs incurred in managing the FEMA-sponsored Marion County Urban Search and Rescue Task Force-1 and to reimburse the Task Force for the costs of their deployment to the 2002 Winter Olympics in Salt Lake City, Utah.

SECTION 2. The sum of Two Hundred Twenty-nine Thousand Nine Hundred Thirty-nine Dollars (\$229,939) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u>		<u>FEDERAL GRANTS FUND</u>	
<u>FIRE DIVISION</u>			
2. Materials and Supplies			64,533
3. Other Services and Charges			113,524
4. Capital Outlay			<u>51,882</u>
TOTAL INCREASE			229,939

SECTION 4. The said additional appropriation is funded by the following reductions:

		<u>FEDERAL GRANTS FUND</u>	
Unappropriated and Unencumbered			
Federal Grants Fund			<u>229,939</u>
TOTAL REDUCTION			229,939

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 294, 2002 was retitled FISCAL ORDINANCE NO. 66, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 66, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No.97, 2001) transferring and appropriating an additional Eight Thousand Eight Hundred

Ninety Dollars (\$8,890) in the State and Federal Grants Fund for purposes of the Marion County Justice Agency and County Auditor and reducing certain other appropriations from that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency and County Auditor to provide sufficient funding for fringes.

SECTION 2. The sum of additional Eight Thousand Eight Hundred Ninety Dollars (\$8,890) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - fringes	8,890
TOTAL INCREASE	8,890

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	6,551
3. Other Services and Charges.	2,339
TOTAL DECREASE	8,890

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 295, 2002 was retitled FISCAL ORDINANCE NO. 67, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 67, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No.97, 2001) transferring and appropriating an additional One Hundred Two Thousand Twenty-four Dollars (\$102,024) in the State and Federal Grants Fund for purposes of Community Corrections and the County Auditor and reducing certain other appropriations for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of Community Corrections to transfer carryover money from FY 01/02 to fund additional work release beds and day reporting slots.

SECTION 2. The sum of One Hundred Two Thousand Twenty-four Dollars (\$102,024) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>COMMUNITY CORRECTIONS</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	102,024
TOTAL INCREASE	102,024

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - fringes	36,024
<u>COMMUNITY CORRECTIONS</u>	
1. Personal Services	66,000
TOTAL DECREASE	102,024

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 300, 2002 was retitled SPECIAL ORDINANCE NO. 4, 2002, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 4, 2002

A SPECIAL ORDINANCE election to fund MECA in 2003 with County Option Income Tax (COIT) Revenues.

WHEREAS, IC 36-8-15-19(b) provides that the City-County Council may elect to fund the operation of a public safety communications system and computer facilities special taxing district from part of the certified distribution the county is to receive during a particular calendar year under IC 6-3.5-6-17; and

WHEREAS, the Marion County Metropolitan Emergency Communications Agency ("MECA") is the governing body of the Consolidated City of Indianapolis and Marion County public safety communications system and computer facilities district ("District"); and

WHEREAS, to make such an election for 2003, the City-County Council, prior to September 1, 2002, must pass an ordinance specifying the amount of the certified distribution to be used to fund the District; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council hereby elects to fund the operation of the District through MECA in 2003 from part of the certified distribution the county is to receive under IC 6-3.5-6-17.

SECTION 2. The amount of the certified distribution to be used for this purpose is \$2,750,000.

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor McWhirter reported that the Administration and Finance Committee heard Proposal Nos. 287-289 and 309, 2002 on July 2, 2002. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 287, 2002. The proposal, sponsored by Councillor McWhirter, approves an increase of \$25,000 in the 2002 Budget of the Wayne Township Assessor (State and Federal Grants Fund) to pay for wall repair, painting, carpet and floor covering, funded by a Build Indiana Grant. PROPOSAL NO. 288, 2002. The proposal, sponsored by Councillor McWhirter, approves an increase of \$2,032 in the 2002 Budget of the County Election Board (Campaign Finance Fines Fund) to fund mailings and manuals to publicize campaign finance requirements, financed by fund balances. PROPOSAL NO. 289, 2002. The proposal, sponsored by Councillors McWhirter and Nytes, approves an appropriation of \$287,000 in the 2002 Budget of the Cable Communications Agency (Consolidated County Fund) to purchase replacement cameras and other related video equipment used by WCTY/Channel 16, financed by a PEG grant (Public Educational or Governmental Access Facilities). PROPOSAL NO. 309, 2002. The proposal, sponsored by Councillor Massie, seeks renewal of authorization and approval for Marion County Treasurer and City Controller to invest public funds in money-market mutual funds. By 7-0 votes, the Committee reported Proposal Nos. 287, 288, and 309, 2002 to the Council with the recommendation that they do pass and Proposal No. 289, 2002 to the Council with the recommendation that it do pass as amended.

Councillor Talley referred to Proposal No. 289, 2002 and asked how the cameras that are being replaced are disposed of. Councillor McWhirter said that she does not know the answer to that question but will find out and let Councillor Talley know.

President SerVaas called for public testimony at 8:43 p.m. There being no one present to testify, Councillor McWhirter moved, seconded by Councillor Nytes, for adoption. Proposal Nos. 287, 288, and 309, 2002 and Proposal No. 289, 2002, as amended, were adopted on the following roll call vote; viz:

23 YEAS: Black, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Nytes, Schneider, SerVaas, Smith, Soards, Talley, Tilford
0 NAYS:
3 NOT VOTING: Borst, Dowden, Short
3 ABSENT: Bainbridge, Moriarty Adams, Sanders

Proposal No. 287, 2002 was retitled FISCAL ORDINANCE NO. 68, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 68, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 98, 2001) appropriating an additional Twenty-five Thousand Dollars (\$25,000) in the State and Federal Grants Fund for purposes of the Wayne Township Assessor and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(I) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Wayne Township Assessor to pay for wall repair, painting, carpet and floor covering.

SECTION 2. The sum of Twenty-five Thousand Dollars (\$25,000) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>WAYNE TOWNSHIP ASSESSOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	25,000
TOTAL INCREASE	25,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grant Fund	25,000
TOTAL REDUCTION	25,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 288, 2002 was retitled FISCAL ORDINANCE NO. 69, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 69, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 98, 2001) appropriating an additional Two Thousand Thirty-two Dollars (\$2,032) in the Campaign Finance Fines Fund for purposes of the County Election Board and reducing the unappropriated and unencumbered balance in the Campaign Finance Fines Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(a) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Election Board to fund mailing and manuals to publicize campaign finance requirements.

SECTION 2. The sum of Two Thousand Thirty-two Dollars (\$2,032) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY ELECTION BOARD</u>	<u>CAMPAIGN FINANCE FINES FUND</u>
2. Supplies	80
3. Other Services and Charges	1,952
TOTAL INCREASE	2,032

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>CAMPAIGN FINANCE FINES FUND</u>
Unappropriated and Unencumbered	
Campaign Finance Fines Fund	2,032
TOTAL REDUCTION	2,032

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 289, 2002, as amended, was retitled FISCAL ORDINANCE NO. 70, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 70, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating Two Hundred Eighty-seven Thousand Dollars (\$287,000) in the Consolidated County Fund for purposes of the Cable Communications Agency and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(d) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Cable Communications Agency to purchase replacement cameras and other related video equipment used by WCTY/Channel 16, financed by a cable franchise Public Educational or Governmental Access Facilities (P.E.G.) grant.

SECTION 2. The sum of Two Hundred Eighty-seven Thousand Dollars (\$287,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>CABLE COMMUNICATIONS AGENCY</u>	<u>CONSOLIDATED COUNTY FUND</u>
2. Materials and Supplies	53,000
4. Capital Outlay	234,000
TOTAL INCREASE	287,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	287,000
TOTAL DECREASE	287,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 309, 2002 was retitled SPECIAL RESOLUTION NO. 48, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 48, 2002

A SPECIAL RESOLUTION of the City-County Council of the City of Indianapolis and the County of Marion, Indiana, authorizing and approving the investment of public funds in money market mutual funds.

WHEREAS, IC 5-13-9-1 et seq. authorizes county treasurers and the fiscal officers of political subdivisions to invest public funds; and

WHEREAS, the City of Indianapolis and Marion County, Indiana ("the City" and "the County," respectively) have public funds which are eligible for investment pursuant to the provisions of IC 5-13 by the City Controller and the County Treasurer, respectively, and regularly exercise their powers to invest such funds pursuant to the provisions thereof; and

WHEREAS, IC 5-13-9-2.4 requires that any investment of public funds in money market mutual funds be approved and authorized annually by the fiscal body of such political subdivision; and

WHEREAS, the City-County Council of the City of Indianapolis and Marion County, Indiana (the "Council"), is the fiscal body of the City and the County and desires to authorize the City and the County to invest public funds in money-market mutual funds, subject to the limitations of IC 5-13-9-2.5; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Council does hereby authorize and approve the investment of public funds by the City and the County in investments commonly known as "money market mutual funds."

SECTION 2. Pursuant to IC 5-13-9-1, the County Treasurer is the investing officer of the County and the City Controller is the investing officer of the City.

SECTION 3. Investments authorized by this Resolution may not exceed fifty percent (50%) of the funds held by the investing officer and available for investment. This limitation does not apply to investments made by the County Treasurer between the date that is ten (10) days before each property tax installment is due, and the property tax settlement distribution date.

SECTION 4. The money market mutual funds must be in the form of securities of or interests in an open-end, no-load, management-type investment company or investment trust registered under the provisions of the federal Investment Company Act of 1940, as amended (i.e., 15 U.S.C. Sec. 80a et seq.).

SECTION 5. The portfolio of the investment company or investment trust described in Section 4 of this Resolution must be limited to the following: (1) direct obligations of the United States; (2) obligations issued by a federal agency, a federal instrumentality, or an enterprise sponsored by the federal government; or (3) repurchase agreements fully collateralized by obligations described in (1) or (2).

SECTION 6. The form of securities of or interests in an investment company or investment trust described in Section 4 of this Resolution must be rated as either: (1) AAAM, or its equivalent, by Standard and Poor's Corporation or its successor; or (2) Aaa, or its equivalent, by Moody's Investors Service, Inc., or its successor.

SECTION 7. Investments made pursuant to this Resolution shall be made through depositories designated by the Indiana Board of Finance as depositories for state deposits.

SECTION 8. This resolution shall expire one (1) calendar year from its adoption.

SECTION 9. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Cockrum reported that the Parks and Recreation Committee heard Proposal Nos. 301-305, 2002 on July 11, 2002. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 301, 2002. The proposal, sponsored by Councillors Cockrum and Gray, approves a transfer and appropriation totaling \$1,001,402 in the 2002 Budget of the Department of Parks and Recreation (City Cumulative Capital Development Fund) to initiate several construction projects targeted for bid in the 2002 calendar year, financed by fund balance of 2001 unspent capital funds and a transfer between characters. PROPOSAL NO. 302, 2002. The proposal, sponsored by Councillors Langsford and Gray, approves an appropriation of \$235,000 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) to renovate the parking lot and path of travel to the Whispering Hills clubhouse and first tee to make the facility accessible and to adhere to universal design for accessibility, financed by fund balances. PROPOSAL NO. 303, 2002. The proposal, sponsored by Councillors Cockrum and Douglas, approves an appropriation of \$5,633,404 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) to fund architectural and engineering designs for six projects and for the construction of three projects, financed by a grant from Lilly Endowment, Inc. in 2001. PROPOSAL NO. 304, 2002. The proposal, sponsored by Councillors Massie and Gray, approves a re-appropriation of \$63,549 in the 2002 Budget of the Department of Parks and Recreation (State Grants Fund) to complete beautification of the Central Canal in the Broad Ripple area and for a HVAC project at Garfield Park, financed by grants from the Build Indiana Fund. PROPOSAL NO. 305, 2002. The proposal, sponsored by Councillors Cockrum and Nytes, approves an appropriation of \$33,916 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) to fund the following projects at Talbott and 29th Street Park: (1) to asphalt the brick driveway within the park, and (2) to purchase and install outdoor checkerboard tables, bleachers, and landscaping at the park, financed by a grant from Lilly Endowment. By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President SerVaas called for public testimony at 8:47 p.m. There being no one present to testify, Councillor Cockrum moved, seconded by Councillor Massie, for adoption. Proposal Nos. 301-305, 2002 were adopted on the following roll call vote; viz:

24 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Nytes, Schneider, SerVaas, Short, Smith, Talley, Tilford

0 NAYS:

2 NOT VOTING: Dowden, Soards

3 ABSENT: Bainbridge, Moriarty Adams, Sanders

Proposal No. 301, 2002 was retitled FISCAL ORDINANCE NO. 71, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 71, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) transferring and appropriating One Million One Thousand Four Hundred Two Dollars (\$1,001,402) in the City Cumulative Capital Development Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the City Cumulative Capital Development Fund and reducing certain other appropriations for the department.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(1) of the City-County Annual Budget for 2002 be, and is hereby, amended by

the increases and reductions hereinafter stated for the purposes of the Department of Parks and Recreation to initiate several construction projects targeted for bid in the 2002 calendar year.

SECTION 2. The sum of One Million One Thousand Four Hundred Two Dollars (\$1,001,402) be, and the same is hereby, transferred and appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances and accounts as shown in Section 4

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
4. Capital Outlay	1,001,402
TOTAL INCREASE	1,001,402

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
Unappropriated and Unencumbered	
City Cumulative Capital Development Fund	940,000
TOTAL DECREASE	940,000

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
2. Materials and Supplies	61,402
TOTAL DECREASE	61,402

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 302, 2002 was retitled FISCAL ORDINANCE NO. 72, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 72, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating Two Hundred and Thirty-five Thousand Dollars (\$235,000) in the Park General Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Park General Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(l) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to renovate the parking lot and path of travel to the Whispering Hills clubhouse and first tee to make the facility accessible and to adhere to universal design for accessibility.

SECTION 2. The sum of Two Hundred and Thirty-five Thousand Dollars (\$235,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
3. Other Services and Charges	40,635
4. Capital Outlay	194,365
TOTAL INCREASE	235,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered	
Park General Fund	235,000
TOTAL DECREASE	235,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 303, 2002 was retitled FISCAL ORDINANCE NO. 73, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 73, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating Five Million Six Hundred Thirty-three Thousand Four Hundred Four Dollars (\$5,633,404) in the Park General Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Park General Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(l) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to fund architectural and engineering design for six (6) projects and for the construction of three (3) projects, financed by a prior year grant from the Lilly Endowment.

SECTION 2. The sum of Five Million Six Hundred Thirty-three Thousand Four Hundred Four Dollars (\$5,633,404) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
3. Other Services and Charges	1,233,404
4. Capital Outlay	<u>4,400,000</u>
TOTAL INCREASE	5,633,404

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered	
Park General Fund	<u>5,633,404</u>
TOTAL DECREASE	5,633,404

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 304, 2002 was retitled FISCAL ORDINANCE NO. 74, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 74, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating Sixty-three Thousand Five Hundred Forty-nine Dollars (\$63,549) in the State Grants Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the State Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(l) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to complete beautification of the Central Canal in the Broad Ripple area and for a HVAC project at Garfield Park.

SECTION 2. The sum of Sixty-three Thousand Five Hundred Forty-nine Dollars (\$63,549) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>STATE GRANTS FUND</u>
3. Other Services and Charges	35,491
4. Capital Outlay	<u>28,058</u>
TOTAL INCREASE	63,549

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE GRANTS FUND</u>
Unappropriated and Unencumbered	
State Grants Fund	<u>63,549</u>
TOTAL DECREASE	63,549

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 305, 2002 was retitled FISCAL ORDINANCE NO. 75, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 75, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating Thirty-three Thousand Nine Hundred Sixteen Dollars (\$33,916) in the Park General Fund for purposes of the Department of Parks and Recreation and reducing certain the unappropriated and unencumbered balance in the Park General Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(l) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to fund the following projects at Talbott and 29th Street Park: (1) to asphalt the brick driveway within the park, and (2) to purchase and install outdoor checkerboard tables, bleachers, and landscaping at the park.

SECTION 2. The sum of Thirty-three Thousand Nine Hundred Sixteen Dollars (\$33,916) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
2. Materials and Supplies	2,000
3. Other Services and Charges	13,986
4. Capital Outlay	<u>17,930</u>
TOTAL INCREASE	33,916

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered	
Park General Fund	<u>33,916</u>
TOTAL DECREASE	33,916

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Coughenour reported that the Public Works Committee heard Proposal Nos. 306-308, 2002 on July 18, 2002. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 306, 2002. The proposal, sponsored by Councillors Coughenour and Moriarty Adams, approves an appropriation of \$375,000 in the 2002 Budget of the Department of Public Works, Engineering Division (State Grants Fund) for the purchase of equipment for research and development purposes for Dow AgroSciences LLC, financed by an Industrial Development Grant from the Indiana Department of Commerce. PROPOSAL NO. 307, 2002. The proposal, sponsored by Councillors Coughenour and Moriarty Adams, approves an appropriation of \$108,942 in the 2002 Budget of the Department of Public Works, Engineering Division (Transportation General Fund) to complete infrastructure improvements near the downtown Eli Lilly & Company complex and other projects started in 2001, financed by a grant from Eli Lilly and Company. PROPOSAL NO. 308, 2002. The proposal, sponsored by Councillors Coughenour and Moriarty Adams, approves the Sanitary District Note Resolution and the issuance of Sanitary District Notes payable from proceeds of bonds of the Sanitary District in an amount not to exceed \$15 million; and approves the Stormwater District Note Resolution and the issuance of Stormwater District Notes payable from proceeds of bonds of the Stormwater District in an amount not to exceed \$15 million. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President SerVaas called for public testimony at 8:51 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Moriarty Adams, for adoption. Proposal Nos. 306-308, 2002 were adopted on the following roll call vote; viz:

22 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coughenour, Douglas, Gibson, Horseman, Knox, Langsford, Massie, McWhirter, Nytes, Schneider, SerVaas, Short, Soards, Talley, Tilford

1 NAY: Coonrod

3 NOT VOTING: Dowden, Gray, Smith

3 ABSENT: Bainbridge, Moriarty Adams, Sanders

Proposal No. 306, 2002 was retitled FISCAL ORDINANCE NO. 76, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 76, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating Three Hundred Seventy-five Thousand Dollars (\$375,000) in the State Grants Fund for purposes of the Department of Public Works, Engineering Division, and reducing the unappropriated and unencumbered balance in the State Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (j) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Engineering Division, for the purchase of equipment for research and development purposes for Dow AgroSciences LLC.

SECTION 2. The sum of Three Hundred Seventy-five Thousand Dollars (\$375,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

4. Capital Outlay
TOTAL INCREASE

STATE GRANTS FUND
375,000
375,000

SECTION 4. The said additional appropriation is funded by the following reductions:

STATE GRANTS FUND
Unappropriated and Unencumbered
State Grants Fund
TOTAL DECREASE

375,000
375,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 307, 2002 was retitled FISCAL ORDINANCE NO. 77, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 77, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating One Hundred Eight Thousand Nine Hundred Forty-two Dollars (\$108,942) in the Transportation General Fund for purposes of the Department of Public Works, Engineering Division, and reducing the unappropriated and unencumbered balance in the Transportation General Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(j) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Engineering Division, to complete infrastructure improvements near the downtown Eli Lilly & Company complex and other projects started in 2001.

SECTION 2. The sum of One Hundred Eight Thousand Nine Hundred Forty-two Dollars (\$108,942) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4

SECTION 3. The following increased appropriation is hereby approved:

DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

4. Capital Outlay
TOTAL INCREASE

TRANSPORTATION GENERAL FUND
108,942
108,942

SECTION 4. The said additional appropriation is funded by the following reductions:

TRANSPORTATION GENERAL FUND
Unappropriated and Unencumbered
Transportation General Fund
TOTAL DECREASE

108,942
108,942

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 308, 2002 was retitled SPECIAL RESOLUTION NO. 49, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 49, 2002

A SPECIAL RESOLUTION (i) approving the issuance of a limited recourse note of the Sanitary District of the City of Indianapolis, Indiana (the "Sanitary District"), for the purpose of paying the costs of certain infrastructure improvements, (ii) approving the issuance of a limited recourse note of the Stormwater District of the City of Indianapolis, Indiana (the "Stormwater District"), for the purpose of paying the costs of certain infrastructure improvements, and (iii) approving other matters related thereto.

WHEREAS, on July 10, 2002, the Board of Public Works (the "Board"), being the governing body of the Sanitary District, adopted a Note Resolution (Resolution No. _____) (the "Sanitary District Note Resolution") pursuant to Indiana Code 5-1.4-8-6 authorizing the issuance of limited recourse notes of the Sanitary District in an aggregate principal amount not to exceed Fifteen Million Dollars (\$15,000,000) (the "Sanitary District Notes"), the principal of and interest on which are payable from proceeds of bonds of the Sanitary District, when and if issued to finance or refinance the Sanitary District Project (as defined herein), or from other revenues available to the Sanitary District, which revenues may be pledged to the payment of principal of and interest on the Sanitary District Notes, for the purpose of procuring funds to be applied to the cost of financing certain infrastructure improvements listed in Exhibit A hereto, including planning and design costs for such improvements (the "Sanitary District Improvements"), together with expenses associated therewith and expenses in connection with or on account of the issuance of the Sanitary District Notes therefor (collectively, the "Sanitary District Project"); and

WHEREAS, on July 10, 2002, the Board, being the governing body of the Stormwater District, adopted a Note Resolution (Resolution No. _____) (the "Stormwater District Note Resolution") pursuant to Indiana Code 5-1.4-8-6 authorizing the issuance of limited recourse notes of the Stormwater District in an aggregate principal amount not to exceed Fifteen Million Dollars (\$15,000,000) (the "Stormwater District Notes"), the principal of and interest on which are payable from proceeds of bonds of the Stormwater District, when and if issued to finance or refinance the Stormwater District Project (as defined herein), or from other revenues available to the Stormwater District, which revenues may be pledged to the payment of principal of and interest on the Stormwater District Notes, for the purpose of procuring funds to be applied to the cost of financing certain infrastructure improvements listed in Exhibit B hereto, including planning and design costs for such improvements (the "Stormwater District Improvements"), together with expenses associated therewith and expenses in connection with or on account of the issuance of the Stormwater Notes therefor (collectively, the "Stormwater District Project"); and

WHEREAS, the Sanitary District Notes and the Stormwater District Notes are currently anticipated to be sold to The Indianapolis Local Public Improvement Bond Bank (the "Bond Bank") pursuant to the provisions of Indiana Code 5-1.4, and the Bond Bank anticipates purchasing the Sanitary District Notes and the Stormwater Notes with proceeds from the issuance of the Bond Bank's tax-exempt commercial paper notes (the "Commercial Paper Notes"), which Commercial Paper Notes may be secured by a debt service reserve fund established by the Bond Bank that will be subject to the provisions of Indiana Code 5-1.4-5-1 and Special Ordinance 67,85 of the City-County Council; and

WHEREAS, the Sanitary District and the Stormwater District have requested the approval of the City-County Council for the issuance of the Sanitary District Notes and the Stormwater District Notes pursuant to Indiana Code 36-3-5-8, and the City-County Council now finds that the issuance of the Sanitary District Notes and the Stormwater District Notes should be approved; now therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council does hereby approve (i) the Sanitary District Note Resolution and (ii) the issuance of the Sanitary District Notes payable from proceeds of bonds of the Sanitary District, when and if issued to finance or refinance the Sanitary District Project, or from other revenues available to the Sanitary District, which revenues may be pledged to the payment of principal of and interest on the Sanitary District Notes, in an aggregate principal amount not to exceed Fifteen Million Dollars (\$15,000,000), which amount does not exceed the estimated costs of the Sanitary District Project.

SECTION 2. The City-County Council does hereby approve (i) the Stormwater District Note Resolution and (ii) the issuance of the Stormwater District Notes payable from proceeds of bonds of the Stormwater District, when and if issued to finance or refinance the Stormwater District Project, or from other revenues available to the Stormwater District, which revenues may be pledged to the payment of principal of and interest on the Stormwater District Notes, in an aggregate principal amount not to exceed Fifteen Million Dollars (\$15,000,000), which amount does not exceed the estimated costs of the Stormwater District Project.

SECTION 3. The City-County Council does hereby acknowledge that the Commercial Paper Notes may be supported by a debt service reserve fund established by the Bond Bank that will be subject to the provisions of Indiana Code 5-1.4-5-1 and Special Ordinance 67,85 of the City-County Council.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with Indiana Code 36-3-4-14, 36-3-4-15 and 36-3-4-16.

EXHIBIT A

Initiation and Implementation of Projects Identified in the Long Term Capital Plan
(attached hereto as Schedule I)

Design, Engineering and Construction Management Costs

EXHIBIT B

Initiation and Implementation of Projects Identified on the Stormwater Priority List
(attached as Schedule I)

Design, Engineering and Construction Management Costs

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Moriarty Adams in memory of Tom Kirk, Alice Lundy, Richard Campbell, Helen Allen, and Mary Strutner; and
- (2) Councillors Gray, Boyd, Gibson, Douglas, Nytes, and Conley in memory of Thaddeus Eugene "Butch" Gray; and
- (3) Councillor Brents in memory of Freddie Bell Davis; and
- (4) Councillor Talley in memory of Willie Mae Rainey; and
- (5) Councillor Short in memory of Felix T. McWhirter, II.

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Tom Kirk, Alice Lundy, Richard Campbell, Helen Allen, Mary Strutner, Thaddeus Eugene "Butch" Gray, Freddie Bell Davis, Willie Mae Rainey, and Felix T. McWhirter, II. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:53 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 22nd day of July, 2002.

July 22, 2002

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.



President

ATTEST:



Clerk of the Council

(SEAL)

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, AUGUST 5, 2002**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:12 p.m. on Monday, August 5, 2002, with President SerVaas presiding.

Councillor Langsford led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

27 PRESENT: Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford
2 ABSENT: Bainbridge, Dowden

A quorum of twenty-seven members being present, the President called the meeting to order.

OFFICIAL COMMUNICATIONS

President SerVaas called for the reading of Official Communications. He recognized Mayor Bart Peterson and asked him to present his communication regarding the 2003 budget. Mayor Peterson delivered the following address:

I began this budget season with the belief that it was time to address the long-term challenges faced by both our city and our county budgets. I believed that bipartisan cooperation, if it did not come naturally, would be forced by the difficult circumstances we are in. We have a structural problem on the city side in which public safety is funded by a very slow-growing tax base within the old city limits. We have a massive budget shortfall on the county side that will only get worse each year.

I still believe bipartisan cooperation will prevail in the end. But I'm not sure what form the final resolution will take. I have put forward a plan to expand the district for police funding to include the entire consolidated city. I have talked in small groups or individually with virtually every

member of the city-county council about the proposal and have not heard an encouraging word from anyone in the council majority, or from any elected county official. Bipartisan cooperation requires two sides to deal with problems realistically and to find solutions together. I will not pursue this plan alone.

Instead, I am submitting a budget tonight that does not include the citywide police district. I have asked Councillor Boyd, the sponsor of the citywide police district ordinance, not to move the ordinance forward unless bipartisan support emerges.

The city budget, the budget for which I am responsible, is fully funded and it does not increase taxes! It does not rely on any funding that has traditionally been treated as county revenue. This budget completes my commitment to increase the number of Indianapolis Police Department officers by 200 over the number that had been funded in January 1999 when I made the promise – and it completes that commitment without any tax increases!

The budget continues my administration's strong emphasis on neighborhood quality of life with a modest expansion of resources devoted to code enforcement. Parks and recreation is another area receiving special attention in this budget, primarily due to the significant expansion of facilities made possible by the \$10 million grant from the Lilly Endowment. And, of course, our city's commitment to the arts and culture as a key component of our quality of life and of our economic development strategy is reflected in this budget.

But it is public safety that I would like to focus on this evening. As we all know, public safety is the bedrock of our local government. It is impossible to build great neighborhoods if our city is not safe. If the people who live in our neighborhoods are afraid to leave their homes. If crime impacts our business climate.

We are at a crossroads and we have choices before us: we can eviscerate public safety in Marion County, or pay for it; we can provide funding for the pensions of our retired public safety heroes, or go back on our community's promise to them; we can continue to release dangerous criminals from jail early, or put a stop to it.

Marion County Auditor Marty Womacks will present her budget next. While I certainly do not mean to preempt her presentation in any way, I would point out that there is no easy way to fix the huge shortfalls in the county budget nor the crisis that will envelope the city budget in coming years due to police and fire pension costs. Money cannot be manufactured. Absent new revenues, cutting expenses or taking money from the city are the county's only options.

Cutting expenses is critical. We have proposed a no-frills city public safety budget that holds the line on all but unavoidable expenses, and holds the line on taxes. I expect the Council to go over this budget in its usual thorough way, and if there are additional cuts that can be made in the police and fire budgets without threatening public safety, our team will work with you.

Taking city money is not acceptable! We do not have funds on the city side to give to the county without the citywide police district that I proposed. To take any significant amount of the city's funding sources for the county would have two disastrous effects: cutting police officers from the Indianapolis Police Department at a time when we know that putting more officers on the streets gets results; and effectively stealing pensions from our retired public safety heroes, those who put their lives on the line for us and were promised a pension upon their well-deserved retirement. I will not let that happen!

Cutting police officers from the Indianapolis Police Department would be both irresponsible and counterproductive. Whether it is walking the beat or developing grassroots crime-fighting strategies with neighborhood block captains, people across this city will tell you – our new police officers are working to prevent crime in our neighborhoods. And, since September 11th, we live in a different world. Consider this: on July 3rd, we learned that organizations with ties to terrorism were downloading information from the internet about the RCA Dome, and we had a major convention going on at the time. Then, the following day, as we gathered downtown to celebrate our nation's birthday, more than three times the usual number of officers were there – on alert. Heightened security is simply a reality that we now must responsibly address.

A few weeks ago, I participated in an emergency preparedness exercise with public safety personnel from across our city and county. Firefighters, police officers, sheriff's deputies – all of whom are on the front lines of defending our city in the post-September 11 world. Will we meet our commitment to them – with pensions they can rely on – or will we join the captains of Enron and Worldcom as purveyors of fraudulent promises to longtime employees?

Think for a moment about Bob McGrath. Fresh from a stint in the Army, he joined the Indianapolis Fire Department in 1959. During his years with the department, he worked out of stations across the city, finally retiring from Station 34 on St. Patrick's Day 1997. Bob McGrath fought fires large and small, and did his absolute best to save the lives of people in trouble. Commitment to public service runs deep in his family – his father retired from IPD, and his brother Patrick served with him at IFD.

Today, Bob is the president of the Retired Firefighters Club, a group of more than 600 retired local firefighters who are engaged with both the department and the community. Like Bob, these retired firefighters have been drawing on their pensions for several years. And like Bob, because they were hired before 1977, their pensions are in danger.

Equally as daunting as the city's challenge in meeting its police and fire pension obligations in the long-term is the public safety challenge faced by the county. According to figures provided by the Marion County Auditor's Office, 61 percent of the county general fund budget is earmarked for public safety. Given the size of the county shortfall just for 2003, filling the gap through spending cuts alone would mean slashing sheriff's deputies, correctional officers and prosecutors. And if the solution is to take city money – let me make it clear here and now – I will not stand for it!

And, of course, we must not forget what may be the greatest immediate threat to public safety in our community – the early release of dangerous criminals onto our streets as a result of jail overcrowding. All of us agree this must stop. All of us agree stopping it will cost money. It is incumbent upon the Council and county elected officials to find the money to bring this outrageous practice to an end – without raiding the city budget.

As the Council considers how to fund public safety in the short-term and hopefully looks at some of the longer-term problems we face, it is important to bear in mind that tax inequality is pervasive in Marion County. The highest property tax rates, by far, in the county are found within the old city limits.

Nearly 47 percent of all property in Center Township is exempt from taxation – public or not-for-profit property like the state and federal buildings, White River State Park, Victory Field, and IUPUI. And another big chunk of Center Township property taxes is committed to paying off the debt for big downtown projects like Circle Centre Mall, projects which have made our downtown the envy of other cities and ultimately benefited all the citizens of Marion County.

Downtown Indianapolis is an economic engine for our entire region, a pulsing heartbeat of activity. With the visionary leadership of Mayors Lugar, Hudnut and Goldsmith, and through careful planning and investment, we have strategically developed our downtown over the last three decades. More than 17 million people – nearly three times the population of our state – visit top downtown attractions each year like sporting events and cultural activities. That number does not include the tens of thousands of employees who come to work downtown each day. Yet, disproportionately high tax rates downtown seriously impede the creation of more economic development and jobs, and jeopardize the retention of existing jobs. Any plan to fix our long-term public safety funding problems must recognize these basic economic facts.

In the past two years, we have found a way to come together to resolve legitimate differences and fashion good budgets for our community. We have found common ground to do what is best for the people of Indianapolis – all the people of Indianapolis – the people who hold us responsible as their leaders.

This may be our biggest challenge yet, but I think we can come together again. I look forward to working with you over the next six weeks. Thank you.

President SerVaas recognized Martha Womacks, County Auditor, and asked her to present her budget communication. Ms. Womacks delivered the following remarks:

Mayor Peterson, Mr. President, Members of the City-County Council, and Citizens of Marion County:

In my presentation to you for this year's budget, I said that we had a challenging task to finance the county side of government in 2002. I did not realize what that challenge really meant. It was hardly anything by comparison with what we are facing for 2003. My staff needs to be commended for the long hours they have spent trying to locate revenues which will support our needs for next year. I will emphasize to you that we are only supporting "needs", not wants.

Despite fiscal constraints, many County agencies have been able to be creative with their respective talents and make positive improvements for the residents of Marion County. The restoration of the former Lilly Laboratories building on McCarty Street for our Coroner and the DNA lab has not only provided us with better service for the county, but also freed space in Community Corrections for an additional 60 inmate beds.

The Forensic Services Agency, or the Crime Lab as we know it, continues to provide educational opportunities to those in other countries providing additional needed funds for that agency.

Our Prosecutor's Office continues their push to be tough on crime and their statistics show that effort paying off. Violent crime, despite our high inmate population, is consistently decreasing. Notice that I said violent crime.

Although the Sheriff's Department is constantly facing added crime in the outlying suburban area of Marion County and the jail overcrowding problem, they continue to help us by obtaining grant funds for a variety of programs and rental initiatives for their Crime Prevention and Reserve Division offices. Although the future of the arrestee processing center is on hold momentarily, the Sheriff has been a key figure in negotiating for that. A Civilian Review Board is also being created after intensive communication sessions with neighborhood groups.

The Family Advocacy Center relocated to North Keystone early this year because the lease on the McCrea Street facility was ending. The new location has provided them with adequate parking and closer proximity to those they serve.

The Cooperative Extension Agency, although having a somewhat different emphasis in Marion County than in rural counties, provides a multitude of activities for our taxpayers, none the least of which is their Master Gardening Program.

The Guardian Home 2000 project of modernization to our county's emergency shelter care facility for children has been completed this year. The Guardian Home Foundation raised \$6 million in private money to assist in accomplishing this goal. Many of you were a part of the appropriation of the original \$2 million which started the project.

In my request for agencies to give me comments on their specific highlights or accomplishments for the past year, the Pike Township Assessor let me know that she communicates with all Pike Township residents who provide her with their e-mail addresses so that current tax and other information can be distributed to them.

The county assessor has installed a document management system allowing important information to be processed between that office and the township assessors' offices. This will enable them to be able to meet statutory deadlines as required for the 2002 reassessment. My office is also participating in this document management pilot.

In county government's attempt to do more with less, technology is playing a strong role. The Information Services Agency is working hand in hand with all the county agencies to bring efficiencies in a variety of ways. Indianapolis and Marion County's INDYGov website was again recognized as one of the leading local government websites in the country.

In my office with the help of ACS, our information technology vendor, I have implemented on-line filing capability for those who wish to file either mortgage or homestead deductions. With the

August 5, 2002

ever-increasing traffic within the building and the inconvenience to the taxpayer of having to go through security, I believe this is a tremendous efficiency. This Spring, approximately 2500 individuals took advantage of this service.

My primary objective for past budgets has been to increase employee salaries. As I stated earlier, I have had to make some difficult decisions and I am disappointed but there are no salary increases in the 2003 county budget. I am also recommending that we suspend incentive pay in 2002 and 2003. That will realize savings of approximately \$600,000.

In working with agencies to fund the 2003 budget, all travel and conference expenses have been cut in half. We are extremely diligent in my accounting section to be sure that reimbursements are made only for those items appropriate either by state statute or by local ordinance.

I am extremely appreciative of the elected officials and agency heads who have been cooperative in achieving these austerity measures.

In 2003, public safety is the primary goal of county government. The addition of more police officers and county deputies has put a tremendous strain on the public safety agencies in county government. Because of the lockup and jail populations, we are putting a terrible burden on our judges making decisions about who should be freed and who should be locked up. Those decisions are putting Indianapolis residents in jeopardy. The arrestee processing center needs to progress. The potential consequences of a continued delay are too disheartening to think about. If the Indianapolis Bond Bank does not move forward with this immediately, we should ask the Indiana State Bond Bank for the funding. I have consulted with officials at the Indiana State Bond Bank and they have stated that they can provide funding for a project like ours within 30 days of our formal request. The processing center, according to recent media, has the full attention and support of many.

The second priority is to fund an additional 98 jail beds for criminal offenders. That cost is approximately 1.4 million dollars. Our total need is far greater than that, but this is a responsible beginning.

Our third priority is to provide additional funding for the courts. Along with our growing inmate population comes the need for additional probation officers. We are funding an additional \$2 million to the courts for that purpose and other court-related costs.

The fourth public safety priority is the need to meet our fiscal responsibility of paying for the incarceration of our juveniles. Last week I received in essence a demand letter from the State Budget Agency requesting the delinquent \$28 million. My recommendation is to continue to pay toward this liability two years in arrears as we have been doing during my term in office. The 2001 bill to be paid in 2003 amounts to \$16 million.

To fund this budget, I am recommending that the Council in its negotiations with the Mayor over the total city-county budget adjust the County Option Income Tax distribution in a more equitable manner. As proposed in the 2003 budget, this would require changing the current allocation from 1/3 county, 2/3 city to 60% county, 40% city. This split more accurately reflects the population distribution. County government has been short-changed since the inception of the county option income tax. Furthermore, the average income of those individuals is greater than those within the old city limits according to the census data. Their contribution to this tax far exceeds the benefits they receive.

I realize that the submission of my 2003 budget recommendation is just the beginning of the process. I also realize that over the next six or seven weeks much negotiation and debate will occur between the Mayor in his capacity as the Chief County Executive and the leadership of the Council. I am confident that through those negotiations the public safety needs I have mentioned and those of the city will be fairly and equitably addressed.

Thank you for your attention and I look forward to working with you as we address these very important needs.

Councillor Boyd applauded Mayor Peterson for completing his pledge to add 200 more police officers without raising taxes. He added that the City budget proposed this evening is also a fully-funded budget. He said that while there are two components to local government in the City of Indianapolis, the Chief Executive, Mayor Peterson, is of the Democrat party, while the elected official positions on the County side of government are generally held by Republicans. The County side of the budget is the side of the budget that has very questionable funding devices proposed this evening. Councillor Boyd said that the Mayor has asked him, as the sponsor of the citywide police district ordinance, to hold this ordinance until bipartisan support is achieved. This expansion would generate enough revenues for the County to fund many of the uncovered expenses mentioned this evening. He said that for reasons that are not clear to him, the Republican side of the aisle has decided this is something they do not want to consider. He said that the only way for Republican members to refute his remarks is to come up with a better plan to fund the County budget that does not include an excursion into the County Option Income Tax (COIT) funds, which has had the same division for 18 years. He said that society has recently seen many instances of corporate dishonesty and corporate members playing with numbers and deceiving the public. He said that in funding the County side of the budget and discussing using COIT is to consider funds that are fictitious and to consider stealing money from the City. He added that he is concerned about Proposal No. 408, 2002, for which he is listed as a co-sponsor. Because he does not agree with these funding issues, he asked to be removed as a co-sponsor from this proposal until the revenues can be honestly identified.

Councillor Borst said that he did not realize there would be a debate on the budget this evening, but he feels he must address some of the comments made by Councillor Boyd. He said that while he appreciates Councillor Boyd's comments, he is not sure they are exactly as they seem. He said there is an idea on the table to increase taxes on the townships and even in Center Township with an 11 cent fire increase, which people are overlooking. He said that just because there is an idea on the table, it does not mean it is a good one or that it should be readily accepted and put into action. He said that this idea still needs some legal clarification, as there is speculation that the March 1st deadline is past and it is not legally viable. He added that there is no way of allocating the money this citywide district creates, there are changes in board appointments, and there is another tax, called the Police and Fire Service fee which has been added. He said there is a lot more to this solution than meets the eye. He added that there is no stealing involved with COIT funds, as this money belongs to the taxpayers, not the City or the County. He said that the division was set up many years ago, but nothing was etched in stone that says it has to remain the same. He said that the dynamics in the community have changed drastically since that tax was created, and the County has a much greater population now than the inner city does. He said it makes sense to look at flexible revenue to fund the budget, while not leaving a hole for either the City or County. He added that the City has received \$46 million of windfall over the last two years that the County has not received. They received \$31 million from the Legislature for pension relief and are taking, which is more like stealing, \$10 million of United Airlines fines, which should be shared with the County. He added that the City is also taking the \$5 million of gaming money that the Legislature set up, of which only half was intended for the City. He said that it is the duty of the Council to look at both plans and massage them both, and the end result will probably be somewhere in between the two plans. He said that members should keep an open mind and try to fund all the needs on both the City and County side.

Councillor Coonrod said that it has been said that the County Auditor should not be allowed to present a proposal to reallocate COIT, which he feels is a creative solution to avoid raising taxes. He said that if this is not adequate, he does not understand how members can support a plan that solves the budget problem by raising taxes, when it is unnecessary. He said that the Auditor's plan does not raise taxes, while the citywide district proposal would.

August 5, 2002

President SerVaas called for the reading of further Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, August 5, 2002, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Beurt SerVaas
President, City-County Council

July 23, 2002

TO PRESIDENT SERVAAS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* on Wednesday, July 24, 2002, and in the *Indianapolis Star* on Thursday, July 25, 2002, a copy of a Notice of Public Hearing on Proposal Nos. 331-340 and 371, 2002, said hearing to be held on Monday, August 5, 2002, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Suellen Hart
Clerk of the City-County Council

July 24, 2002

TO PRESIDENT SERVAAS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, July 26, 2002, a copy of a Notice of Public Hearing on Application for Franchise Agreement, said hearing to be held on Tuesday, August 6, 2002, at 5:30 p.m. in Room 260 in the City-County Building.

Respectfully,
s/Suellen Hart
Clerk of the City-County Council

August 2, 2002

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Suellen Hart, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 60, 2002 - approves an increase of \$20,021 in the 2002 Budget of the Marion County Justice Agency and the County Auditor (State and Federal Grants Fund) to support the continuation of the Arrestee Drug Abuse Monitoring Program (ADAM), funded by a federal grant

FISCAL ORDINANCE NO. 61, 2002 - approves an increase of \$25,368 in the 2002 Budget of the Marion County Justice Agency (Law Enforcement Fund) to reimburse the County Sheriff for 151 bulletproof vests, financed by fund balances

FISCAL ORDINANCE NO. 63, 2002 - approves an appropriation of \$4,039 in the 2002 Budget of the Department of Public Safety, Emergency Management and Planning Division (Federal Grants Fund) to

purchase a fax machine, communication equipment for FCC compliance, and equipment for decontamination and hazardous material cleanup, financed by grants from the US Department of Justice

FISCAL ORDINANCE NO. 64, 2002 - approves a transfer of \$136,400 in the 2002 Budget of the Department of Public Safety, Police Division (City Cumulative Capital Development Fund) to purchase supplies and accessories needed to outfit police vehicles

FISCAL ORDINANCE NO. 65, 2002 - approves an appropriation of \$229,939 in the 2002 Budget of the Department of Public Safety, Fire Division (Federal Grants Fund) to pay the costs incurred in managing the FEMA-sponsored Marion County Urban Search and Rescue Task Force-1 and to reimburse the Task Force for the costs of their deployment to the 2002 Winter Olympics in Salt Lake City, Utah, financed by federal funds

FISCAL ORDINANCE NO. 66, 2002 - approves a transfer of \$8,890 in the 2002 Budgets of the County Auditor and Marion County Justice Agency (State and Federal Grants Fund) to provide sufficient funding for fringes for the Metro Drug Task Force Grant for FY 2001/2002

FISCAL ORDINANCE NO. 67, 2002 - approves a transfer of \$102,024 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) to fund additional work release beds and day reporting slots

FISCAL ORDINANCE NO. 68, 2002 - approves an increase of \$25,000 in the 2002 Budget of the Wayne Township Assessor (State and Federal Grants Fund) to pay for wall repair, painting, carpet and floor covering, funded by a Build Indiana Grant

FISCAL ORDINANCE NO. 69, 2002 - approves an increase of \$2,032 in the 2002 Budget of the County Election Board (Campaign Finance Fines Fund) to fund mailings and manuals to publicize campaign finance requirements, financed by fund balances

FISCAL ORDINANCE NO. 70, 2002 - approves an appropriation of \$287,000 in the 2002 Budget of the Cable Communications Agency (Consolidated County Fund) to purchase replacement cameras and other related video equipment used by WCTY/Channel 16, financed by a PEG grant (Public Educational or Governmental Access Facilities)

FISCAL ORDINANCE NO. 71, 2002 - approves a transfer and appropriation totaling \$1,001,402 in the 2002 Budget of the Department of Parks and Recreation (City Cumulative Capital Development Fund) to initiate several construction projects targeted for bid in the 2002 calendar year, financed by fund balance of 2001 unspent capital funds and a transfer between characters

FISCAL ORDINANCE NO. 72, 2002 - approves an appropriation of \$235,000 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) to renovate the parking lot and path of travel to the Whispering Hills clubhouse and first tee to make the facility accessible and to adhere to universal design for accessibility, financed by fund balances

FISCAL ORDINANCE NO. 73, 2002 - approves an appropriation of \$5,633,404 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) to fund architectural and engineering designs for six projects and for the construction of three projects, financed by a grant from Lilly Endowment, Inc. in 2001

FISCAL ORDINANCE NO. 74, 2002 - approves a re-appropriation of \$63,549 in the 2002 Budget of the Department of Parks and Recreation (State Grants Fund) to complete beautification of the Central Canal in the Broad Ripple area and for a HVAC project at Garfield Park, financed by grants from the Build Indiana Fund

FISCAL ORDINANCE NO. 75, 2002 - approves an appropriation of \$33,916 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) to fund the following projects at Talbott and 29th Street Park: (1) to asphalt the brick driveway within the park, and (2) to purchase and install outdoor checkerboard tables, bleachers, and landscaping at the park, financed by a grant from Lilly Endowment

FISCAL ORDINANCE NO. 76, 2002 - approves an appropriation of \$375,000 in the 2002 Budget of the Department of Public Works, Engineering Division (State Grants Fund) for the purchase of equipment for research and development purposes for Dow AgroSciences LLC, financed by an Industrial Development Grant from the Indiana Department of Commerce

FISCAL ORDINANCE NO. 77, 2002 - approves an appropriation of \$108,942 in the 2002 Budget of the Department of Public Works, Engineering Division (Transportation General Fund) to complete infrastructure improvements near the downtown Eli Lilly & Company complex and other projects started in 2001, financed by a grant from Eli Lilly and Company

SPECIAL ORDINANCE NO. 3, 2002 - a final resolution and public hearing for Herman Associates, Inc. in an amount not to exceed \$14,000,000 which project consists of the rehabilitation of a 344-unit pre-existing apartment complex on an approximately 22.04 acre parcel of real estate located at 3215 North Alton Avenue (District 9)

SPECIAL ORDINANCE NO. 4, 2002 - requests to fund MECA operations in calendar year 2003 with County Option Income Tax revenue in the amount of \$2,750,000

August 5, 2002

SPECIAL RESOLUTION NO. 45, 2002 - recognizes National Spelling Bee contestant Trevor Leslie

SPECIAL RESOLUTION NO. 46, 2002 - recognizes the high school graduating seniors of the Mayor's Youth Council

SPECIAL RESOLUTION NO. 47, 2002 - recognizes Laura M. A. Moore Smith

SPECIAL RESOLUTION NO. 48, 2002 - seeks renewal of authorization and approval for Marion County Treasurer and City Controller to invest public funds in money-market mutual funds

SPECIAL RESOLUTION NO. 49, 2002 - approves the Sanitary District Note Resolution and the issuance of Sanitary District Notes payable from proceeds of bonds of the Sanitary District in an amount not to exceed \$15 million; and approves the Stormwater District Note Resolution and the issuance of Stormwater District Notes payable from proceeds of bonds of the Stormwater District in an amount not to exceed \$15 million

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of July 22, 2002. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 391, 2002. The proposal, sponsored by Councillor Sanders, honors Dr. Kenneth Ossip on the 50th Anniversary of Ossip Optometry and Ophthalmology. Councillor Sanders read the proposal and presented Dr. Ossip with a copy of the document and a Council pin. Dr. Ossip thanked the Council for the recognition. Councillor Sanders moved, seconded by Councillor Talley, for adoption. Proposal No. 391, 2002 was adopted by a unanimous voice vote.

Proposal No. 391, 2002 was retitled SPECIAL RESOLUTION NO. 50, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 50, 2002

A SPECIAL RESOLUTION honoring Dr. Kenneth Ossip on the 50th Anniversary of Ossip Optometry and Ophthalmology

WHEREAS, Dr. Kenneth Ossip, a native of New York and graduate of Ohio State University School of Optometry, settled in Indianapolis in 1951 with his wife Joan Kramer Ossip; and

WHEREAS, Dr. Ossip opened his optometry practice in Broad Ripple on August 5, 1952, changing locations within Broad Ripple four times to accommodate its growth, as five generations of Indianapolis families and tens of thousands of Indiana citizens have sought eye care in his establishment; and

WHEREAS, Ossip Optometry and Ophthalmology has grown from that single Broad Ripple location to its current status of six offices throughout Indianapolis, providing the highest quality of service to its patients as well as creating employment for more than 100 residents; and

WHEREAS, Ossip Optometry, in collaboration with the United Way has created a means of giving back to our community through a program called "Helping Eyes", which provides 500 free eye exams and glasses to eligible residents; and

WHEREAS, Dr. Kenneth Ossip personally provided additional public service through numerous professional and community board appointments, including, but not limited to, the Parent Teacher Organizations of IPS School 92 and Harcourt School; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council joins with others in paying homage to Dr. Kenneth Ossip on the 50th Anniversary of his practice, and applauds his ongoing commitment to our community and its citizens.

SECTION 2. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Borst stated that Proposal Nos. 355-357, 2002 are all board appointments that passed out of their respective committees with unanimous do pass recommendations. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 355, 2002. The proposal, sponsored by Councillor Coughenour, appoints Bruce B. Melchert to the Indianapolis City Market Corporation Board of Directors. PROPOSAL NO. 356, 2002. The proposal, sponsored by Councillor Dowden, reappoints Jon M. Bailey to the Marion County Public Defender Board. PROPOSAL NO. 357, 2002. The proposal, sponsored by Councillor Dowden, reappoints Virginia Dill McCarty to the Marion County Public Defender Board. Councillor Borst moved, seconded by Councillor Talley, for adoption. Proposal Nos, 355-357, 2002 were adopted by a unanimous voice vote.

Proposal No. 355, 2002 was retitled COUNCIL RESOLUTION NO. 73, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 73, 2002

A COUNCIL RESOLUTION appointing Bruce B. Melchert to the Indianapolis City Market Corporation Board of Directors.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Indianapolis City Market Corporation Board of Directors, the Council appoints:

Bruce B. Melchert

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 356, 2002 was retitled COUNCIL RESOLUTION NO. 74, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 74, 2002

A COUNCIL RESOLUTION reappointing Jon M. Bailey to the Marion County Public Defender Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Marion County Public Defender Board, the Council reappoints:

Jon M. Bailey

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 357, 2002 was retitled COUNCIL RESOLUTION NO. 75, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 75, 2002

A COUNCIL RESOLUTION reappointing Virginia Dill McCarty to the Marion County Public Defender Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Marion County Public Defender Board, the Council reappoints:

Virginia Dill McCarty

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 375, 2002. Introduced by Councillors McWhirter and Nytes. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which approves a public purpose grant in the amount of \$35,000 to Indiana Reading and Information Services to provide radio reading programs for the blind and print disabled in Marion County"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 376, 2002. Introduced by Councillors McWhirter and Nytes. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which approves a public purpose grant in the amount of \$50,000 to Indiana University for the purpose of financing educational access programming on the educational access channels of the franchised cable systems in Marion County"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 377, 2002. Introduced by Councillors McWhirter and Nytes. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which approves a public purpose grant in the amount of \$150,000 to Indiana University for the purpose of purchasing playback equipment used in providing programming on the educational access channels of the franchised cable systems in Marion County"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 378, 2002. Introduced by Councillors Cockrum and Douglas. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$105,300 in the 2002 Budget of the Department of Parks and Recreation (Federal Grants Fund) to serve 40,000 - 45,000 lunches to needy children at 24 sites in Indianapolis (Summer Lunch Program), financed by a U.S. Department of Agriculture grant"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 379, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$200,000 in the 2002 Budgets of the County Auditor and Prosecuting Attorney (State and Federal Grants Fund) to provide funding for the Street Level Advocate unit for salaries, professional development, public

relations and community outreach, funded by a federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 380, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$465,000 in the 2002 Budgets of the County Auditor and Prosecuting Attorney (State and Federal Grants Fund) to appropriate Marion County Prosecutor Office's share of Block Grant #6 funds to be used to support the Street Level Advocate's salaries and fringes"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 381, 2002. Introduced by Councillors Boyd, Short, Moriarty Adams, Talley, and Douglas. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which expands the police special service district to include all the territory of the Consolidated City, and to create an "old city limits district" comprised of the territory of the former police special service district, and to make corresponding technical amendments to numerous provisions of the Revised Code"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 382, 2002. Introduced by Councillors Gray and Soards. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which determines the need to lease office space at 4460 Guion Road for the Reserves of the Sheriff's Department"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 383, 2002. Introduced by Councillor Knox. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Howard Street and Reisner Street (District 17)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 384, 2002. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Louise Avenue and Pinecrest Road (District 18)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 385, 2002. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 17th Street, Coyner Avenue, and Tacoma Avenue (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 386, 2002. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 20th Street and Alabama Street (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 387, 2002. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls at Guion Lakes Drive, Guion Lakes Terrace, and Lakefield Drive; at Guion Lakes Drive, Lakefield Court, and Lakefield Trace; and at Guion Lakes Drive and 59th Street (District 9)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 388, 2002. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 20th Street and Centennial Street (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 389, 2002. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in parking restrictions on the east side of Virginia Avenue between Lexington Avenue and South Street (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 390, 2002. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on the east side of Capital Avenue from New York Street to Vermont Street (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 398, 2002. Introduced by Councillors Dowden, Boyd, and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Police Special Service District Fiscal Ordinance which is the annual budget for the Police Special Service District for 2003"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 399, 2002. Introduced by Councillors Dowden, Boyd, and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fire Special Service District Fiscal Ordinance which is the annual budget for the Fire Special Service District for 2003"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 400, 2002. Introduced by Councillors Coughenour, Boyd, and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Solid Waste Collection Special Service District Fiscal Ordinance which is the annual budget for the Solid Waste Collection Special Service District for 2003"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 401, 2002. Introduced by Councillors Borst and Boyd. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is the annual budget for 2003 for the Consolidated City and appropriates the amounts set forth herein for the purposes specified"; and the President referred it to the Administration and Finance, Metropolitan Development, Parks and Recreation, Public Safety and Criminal Justice, and Public Works Committees.

PROPOSAL NO. 402, 2002. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is the annual budget for 2003 for certain constitutional officers of Marion County and appropriates the amounts set forth herein for the purposes specified"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 403, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is the annual budget for 2003 for certain Marion County judicial and law enforcement agencies and appropriates the amounts set forth herein for the purposes specified"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 404, 2002. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is the annual budget for 2003 for certain county agencies and appropriates the amounts set forth herein for the purposes specified"; and the President referred it to the Administration and Finance and Community Affairs Committees.

PROPOSAL NO. 405, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is the annual budget for the Metropolitan Emergency Communications Agency for 2003"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 406, 2002. Introduced by Councillors Borst and Boyd. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates the amounts necessary for payments for city sinking funds for the calendar year 2003"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 407, 2002. Introduced by Councillors Borst and Boyd. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates the amounts necessary for payments from the Revenue Bonds Debt Service Funds for 2003"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 408, 2002. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which allocates certain miscellaneous revenues of the Consolidated City and Marion County to respective funds"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 409, 2002. Introduced by Councillor Bradford. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is the annual budget for the Marion County Office of Family and Children for 2003"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 410, 2002. Introduced by Councillors Borst and Boyd. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which determines the tax levy for 2003 for each fund of the Consolidated City and Marion County"; and the President referred it to the Administration and Finance, Metropolitan Development, Parks and Recreation, Public Safety and Criminal Justice, and Public Works Committees.

PROPOSAL NO. 411, 2002. Introduced by Councillors Borst and Boyd. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which authorizes the payment of certain dues for the city and county offices and agencies"; and the President referred it to the Administration and Finance, Metropolitan Development, Parks and Recreation, Public Safety and Criminal Justice, and Public Works Committees.

Councillor Boyd said that he would ask that Proposal No. 381, 2002 not be put forward for action at this time due to the Mayor's request. He asked what would be the proper motion to accomplish this. General Counsel Robert Elrod said that the easiest way to handle the matter, since advertising will need to be submitted approximately 14 days before a public hearing, would be to ask the chairman to postpone hearing the matter until the sponsor is ready. Councillor Massie said that as Chairman of the Rules and Public Policy Committee, he will gladly honor the sponsor's request and hold the proposal until Councillor Boyd advises him otherwise. Councillor Boyd thanked Councillor Massie for his cooperation.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 392-397, 2002. Introduced by Councillor Smith. Proposal Nos. 392-397, 2002 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on July 24, 2002. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 97-102, 2002, the original

copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 97, 2002.

2002-ZON-034 (Amended)

7030 SOUTH EAST STREET (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 20

ST. JOHN'S UCC requests a rezoning of 2.5 acres, being in the D-A District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 98, 2002.

2002-ZON-062

7202 EAST 82ND STREET (approximate address), INDIANAPOLIS.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 4

GOOD HOST, LLC requests a rezoning of 9.469 acres, being in the D-P District, to the C-S classification to provide for uses permitted in the C-3 district, flex space (consisting of offices, retail, and/or storage space), medical office use, and hotel/motel uses.

REZONING ORDINANCE NO. 99, 2002.

2002-ZON-067

6920 EAST STOP 11 ROAD (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23

GARFIELD HEIGHTS CHURCH OF CHRIST requests a rezoning of 5.17 acres, being in the D-A District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 100, 2002.

2002-ZON-071

5000 NORTH KEYSTONE AVENUE (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 6.

SSMC, LLC and CAROLINA INVESTMENTS, LLC request a rezoning of 4.25 acres, being in the C-5 (W-1) District, to the C-S (W-1) classification to provide for a mini-warehouse and all C-5 uses.

REZONING ORDINANCE NO. 101, 2002.

2002-ZON-076

3639 SOUTH KEYSTONE AVENUE (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24

CALVARY TABERNACLE CHURCH, INC., by J. Murray Clark, requests a rezoning of 14.57 acres, being in the C-4 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 102, 2002.

2002-ZON-088

411 SOUTH WEST STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16

MORTON E. AND CAROLE L. TAVEL, ALVIN AND ANN L. LEVENSON, AND ROBERT B. AND AVIVA TAVEL by Aaron J. Dixon, requests a rezoning of 0.19 acre, being in the I-3U (RC) District, to the CBD-2 (RC) classification to provide for additional parking for a limited service hotel.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 371, 2002. The proposal, sponsored by Councillor Smith, proposes to rezone 120.56 acres at 1419 Bade Road in Warren Township, Councilmanic District 13, being in the D-A (FW)(FF) District, to the D-2 (FW)(FF) classification to provide for a single-family residential development (2002-ZON-005). On July 22, 2002, Councillor Langsford called Proposal No. 371, 2002 out for public hearing for August 5, 2002.

Councillor Langsford made the following motion:

Mr. President:

The petitioners and remonstrators continue to negotiate a resolution of the rezoning case of 2002-ZON-005 (Proposal No. 371, 2002), 1419 Bade Road, and petitioner has consented to a continuance of the hearing scheduled for this meeting.

I, therefore, move that the public hearing on Proposal No. 371, 2002 (Rezoning Docket No. 2002-ZON-005) be postponed and rescheduled for August 26, 2002.

Councillor Talley seconded the motion, and Proposal No. 371, 2002 was postponed by a unanimous voice vote.

In Councillor McWhirter's absence, Acting Chairman Cockrum reported that the Administration and Finance Committee heard Proposal Nos. 331-333, 2002 on July 30, 2002. He asked for consent to vote on these proposals together. Councillor Nytes asked that Proposal No. 331, 2002 be voted on separately. Consent was given.

PROPOSAL NO. 331, 2002. The proposal, sponsored by Councillor Borst, approves an appropriation of \$166,790 in the 2002 Budget of the City-County Council (Consolidated County Fund) to reappropriate funds spent on the review and analysis of the City's purchase of the Indianapolis Water Co., funded by fund balances. By a 3-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Schneider said that he is opposed to this proposal because this money was originally used for the water company purchase, and he feels this is just another way to perpetuate funds for that project, which he is opposed to.

Councillor Horseman asked what happens to this money if this proposal is not passed. Mr. Elrod said that the money would stay in the General Fund. He said that the water company purchase consulting fees were paid out of the existing appropriations in the Council budget, which were originally intended for redistricting purposes. With the understanding that the money would be reimbursed, and the redistricting process not being far enough along to need these funds, the money was used for general consulting purposes in this transaction. Councillor Horseman asked what the total budget for redistricting consultants is. Mr. Elrod said that he does not know exactly without looking it up, but he believes it to be approximately \$250,000 between the two caucuses over a two-year period.

President SerVaas called for public testimony at 8:24 p.m. There being no one present to testify, Councillor Cockrum moved, seconded by Councillor Tilford, for adoption. Proposal No. 331, 2002 was adopted on the following roll call vote; viz:

17 YEAS: Black, Borst, Boyd, Brents, Cockrum, Conley, Coughenour, Douglas, Gray, Knox, Langsford, Massie, Moriarty Adams, SerVaas, Short, Talley, Tilford

8 NAYS: Bradford, Coonrod, Horseman, Nytes, Sanders, Schneider, Smith, Soards

2 NOT VOTING: Gibson, McWhirter

2 ABSENT: Bainbridge, Dowden

Proposal No. 331, 2002 was retitled FISCAL ORDINANCE NO. 78, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 78, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 95, 2001) appropriating an additional One Hundred Sixty-six Thousand Seven Hundred Ninety Dollars (\$166,790) in the Consolidated County Fund for purposes of the City-County Council and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for the reappropriation of funds reimbursed since the adoption of the annual budget, Section 1(c) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the City-County Council to reappropriate funds spent on the review and analysis of the City's purchase of the Indianapolis Water Co.

SECTION 2. The sum of One Hundred Sixty-six Thousand Seven Hundred Ninety Dollars (\$166,790) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>CITY-COUNTY COUNCIL</u>	<u>CONSOLIDATED COUNTY FUND</u>
3. Other Services and Charges	<u>166,790</u>
TOTAL INCREASE	166,790

SECTION 4. The said increased appropriation is funded by the following reductions:

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered Consolidated County Fund	<u>166,790</u>
TOTAL REDUCTION	166,790

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 332, 2002. The proposal, sponsored by Councillors Sanders and Tilford, approves an appropriation of \$70,000 in the 2002 Budget of the Department of Administration, Fleet Services Division (Federal Grants Fund) to install a 5000 gallon above ground fuel tank, with canopy, at 1736 S. West Street, to dispense ethanol (E85) fuel, financed by a federal grant. PROPOSAL NO. 333, 2002. The proposal, sponsored by Councillors Coughenour and Nytes, approves an appropriation of \$12,000 in the 2002 Budget of the Office of the Controller (Landmark Building Preservation Fund) to cover the cost of installing windows in the East Building of the City Market Building that are not covered by a \$10,000 grant received by the City Market Board, financed by fund balances. By 5-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President SerVaas called for public testimony at 8:24 p.m. There being no one present to testify, Councillor Cockrum moved, seconded by Councillor Coughenour, for adoption. Proposal Nos. 332 and 333, 2002 were adopted on the following roll call vote; viz:

22 YEAS: Borst, Boyd, Brents, Cockrum, Conley, Coughenour, Douglas, Gray, Horseman, Knox, Langsford, Massie, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford
0 NAYS:
5 NOT VOTING: Black, Bradford, Coonrod, Gibson, McWhirter
2 ABSENT: Bainbridge, Dowden

Proposal No. 332, 2002 was retitled FISCAL ORDINANCE NO. 79, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 79, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating Seventy Thousand Dollars (\$70,000) in the Federal Grants Fund for purposes of the Department of Administration, Fleet Services Division, and reducing the unappropriated and unencumbered balance in the Federal Grants Fund .

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (h) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated to install a 5000 gallon above ground fuel tank, with canopy, at 1736 S. West Street, to dispense ethanol (E85) fuel.

SECTION 2. The sum of Seventy Thousand Dollars (\$70,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF ADMINISTRATION</u>	<u>FEDERAL GRANTS FUND</u>
<u>FLEET SERVICES DIVISION</u>	
4. Capital Outlay	<u>70,000</u>
TOTAL INCREASE	70,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>70,000</u>
TOTAL REDUCTION	70,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 333, 2002 was retitled FISCAL ORDINANCE NO. 80, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 80, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating an additional Twelve Thousand Dollars (\$12,000) in the Landmark Building Preservation Fund for purposes of the Office of the Controller and reducing the unappropriated and unencumbered balance in the Landmark Building Preservation Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (f) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Office of the Controller to cover the cost of physical improvements to the East Building of the Indianapolis City Market that are not covered by a \$10,000 grant received by the City Market Board.

SECTION 2. The sum of Twelve Thousand Dollars (\$12,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4

SECTION 3. The following increased appropriation is hereby approved:

<u>OFFICE OF THE CONTROLLER</u>	<u>LANDMARK BUILDING PRESERVATION FUND</u>
4. Capital Outlay	12,000
TOTAL	12,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>LANDMARK BUILDING PRESERVATION FUND</u>
Unappropriated and Unencumbered	
Landmark Building Preservation Fund	12,000
TOTAL DECREASE	12,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

In Councillor Dowden's absence, Councillor Smith reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 334-339, 2002 on July 24, 2002. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 334, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$225,000 in the 2002 Budget of the County Auditor (Cumulative Capital Fund) funded by fund balances. PROPOSAL NO. 335, 2002. The proposal, sponsored by Councillor Dowden, approves a transfer of \$225,000 in the 2002 Budgets of the County Auditor, Prosecuting Attorney, and Community Corrections (County General Fund) to fully staff D-Felony level courts in parity with the Public Defender and increase the capacity of the Annex from 280 to 340 inmates, financed by a transfer from the County Auditor. PROPOSAL NO. 336, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$201,249 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) to expand the capacity of the current Community Transition Program, funded by a state grant. PROPOSAL NO. 337, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$107,006 in the 2002 Budgets of the County Auditor and Community Corrections (Home Detention User Fee Fund) for additional staff due to the enormous growth in the Community Transition and Day Reporting Programs, and also due to jail overcrowding, financed by fund balances. PROPOSAL NO. 338, 2002. The proposal, sponsored by Councillors Dowden and Moriarty Adams, approves an appropriation of \$53,600 in the 2002 Budget of the Department of Public Safety, Emergency Management and Planning Division (Consolidated County Fund) to fund one new position for volunteer coordination during emergencies, financed by grants from the American Red Cross and the State Emergency Management Agency. PROPOSAL NO. 339, 2002. The proposal, sponsored by Councillors Moriarty Adams and Soards, approves an appropriation of \$14,195 in the 2002 Budget of the Department of Public Safety, Police Division (Consolidated County Fund) to fund one new position to complete the physical registration process for all sex offenders required to register in Marion County, maintain the sex offender database for the City and County, and disseminate information regarding the registry, as required by IC 36-2-13-5.5, financed by partial reimbursement from the Marion County Sheriff's Department, and by fund balances. By 5-0 votes, the Committee reported Proposal No. 334, 2002 to the Council with the recommendation that it do pass as amended, and Proposal Nos. 335-339, 2002 to the Council with the recommendation that they do pass.

Councillor Schneider asked if the position referred to in Proposal No. 338, 2002 is going to be reimbursed by American Red Cross, since it is taken out of Consolidated County. Mr. Elrod said that the grant will reimburse the County Fund, but this is not the entire salary, and therefore it goes through the Consolidated County Fund. Councillor Schneider asked if it is a permanent

position and will be funded every year. Mr. Elrod said that the ordinance does increase the number of employees in this division. Councillor Smith said that this funding is for six months, and additional funding will be in place for six to seven years.

Councillor Horseman referred to Proposal No. 334, 2002 and asked how this money will be spent, as the ordinance does not state exactly. She asked if the money could be used for something other than child advocacy. Mr. Elrod said that the child advocacy language was stricken because this proposal involves a swapping of this expenditure with the one in Proposal No. 335, 2002. He said that the money does not actually go to the Advocacy Center. Councillor Horseman said that the ordinance simply appropriates the money for the Auditor. Dan Jones, Deputy Auditor, said that the appropriation will actually be used to pay for technology. Councillor Horseman asked what kind of technology it will be used for. Mr. Jones said that it will be used to replace data networking systems. He said that the Cumulative Fund is very restrictive in how it can be used.

Councillor Nytes said that the original digest indicated that these funds would be used for rent. Councillor Borst said that the proposal was amended in Committee because these Cumulative funds cannot be used for rent.

President SerVaas called for public testimony at 8:35 p.m. There being no one present to testify, Councillor Smith moved, seconded by Councillor Tilford, for adoption. Proposal No. 334, 2002, as amended, and Proposal Nos. 335-339, 2002 were adopted on the following roll call vote; viz:

22 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coughenour, Douglas, Horseman, Knox, Langsford, Massie, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Talley, Tilford

0 NAYS:

5 NOT VOTING: Coonrod, Gibson, Gray, McWhirter, Short

2 ABSENT: Bainbridge, Dowden

Proposal No. 334, 2002, as amended, was retitled FISCAL ORDINANCE NO. 81, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 81, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 96, 2001) appropriating an additional Two Hundred Twenty-five Thousand (\$225,000) in the Cumulative Capital Fund for purposes of the County Auditor and reducing the unappropriated and unencumbered balance in the Cumulative Capital Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(b) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor.

SECTION 2. The sum of Two Hundred Twenty-five Thousand (\$225,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

COUNTY AUDITOR

3. Other Services and Charges
TOTAL INCREASE

CUMULATIVE CAPITAL FUND

225,000
225,000

August 5, 2002

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>CUMULATIVE CAPITAL FUND</u>
Unappropriated and Unencumbered	
Cumulative Capital Fund	<u>225,000</u>
TOTAL REDUCTION	225,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 335, 2002 was retitled FISCAL ORDINANCE NO. 82, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 82, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No.96 and 97 2001) transferring and appropriating an additional Two Hundred Twenty-five Thousand (\$225,000) in the County General Fund for purposes of the County Auditor, Prosecuting Attorney, and Community Corrections and reducing certain other appropriations for the County Auditor.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget (F. O. No. 96, 2001, Section 1 (b) and F. O. No. 97, 2001, Section 1 (c) and (g)) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor, Prosecuting Attorney, and Community Corrections to fully staff D-Felony level courts in parity with the Public Defender and increase the capacity of the Annex from 280 to 340 inmates.

SECTION 2. The sum of Two Hundred Twenty-five Thousand (\$225,000) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services - fringes	93,000
 <u>PROSECUTING ATTORNEY</u>	
1. Personal Services	97,000
 <u>COMMUNITY CORRECTIONS</u>	
3. Other Services and Charges	<u>35,000</u>
TOTAL INCREASE	225,000

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>COUNTY AUDITOR</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	<u>225,000</u>
TOTAL DECREASE	225,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 336, 2002 was retitled FISCAL ORDINANCE NO. 83, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 83, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97 2001) appropriating an additional Two Hundred One Thousand Two Hundred Forty-nine Dollars (\$201,249) in the State and Federal Grants Fund for purposes of the County Auditor and Community Corrections and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated. This appropriation is to appropriate state funds to expand the capacity of the current Community Transition Program. Given our recent increase in approvals for the program by the local court system, we are quickly using up all available program capacity.

SECTION 2. The sum of Two Hundred One Thousand Two Hundred Forty-nine Dollars (\$201,249) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - fringes	13,894
<u>COMMUNITY CORRECTIONS</u>	
1. Personal Services	46,312
3. Others Services and Charges	141,043
TOTAL INCREASE	201,249

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	201,249
TOTAL REDUCTION	201,249

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 337, 2002 was retitled FISCAL ORDINANCE NO. 84, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 84, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional One Hundred Seven Thousand Six Dollars (\$107,006) in the Home Detention User Fee Fund for purposes of the County Auditor and Community Corrections and reducing the unappropriated and unencumbered balance in the Home Detention User Fee Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(g) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Community Corrections for additional staff due to the enormous growth in the Community Transition and Day Reporting Programs and also due to jail overcrowding.

SECTION 2. The sum of One Hundred Seven Thousand Six Dollars (\$107,006) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>HOME DETENTION USER FEE FUND</u>
1. Personal Services - fringes	24,694
<u>COMMUNITY CORRECTIONS</u>	
1. Personal Services	82,312
TOTAL INCREASE	107,006

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>HOME DETENTION USER FEE FUND</u>
Unappropriated and Unencumbered	
Home Detention User Fee Fund	107,006
TOTAL REDUCTION	107,006

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 338, 2002 was retitled FISCAL ORDINANCE NO. 85, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 85, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating Fifty Three Thousand and Six Hundred Dollars (\$53,600) in the Consolidated County Fund for purposes of the Department of Public Safety, Emergency Management and Planning Division, and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (k) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Emergency Management and Planning Division, to fund one new position for volunteer coordination during emergencies, financed by grants from the American Red Cross and the State Emergency Management Agency.

SECTION 2. The sum of Fifty Three Thousand and Six Hundred Dollars (\$53,600) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u>	
<u>EMERGENCY MANAGEMENT AND PLANNING DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	17,200
2. Materials and Supplies	2,108
3. Other Services and Charges	312
4. Capital Outlay	33,980
TOTAL INCREASE	53,600

SECTION 4. The said additional appropriation is funded by the following decreases:

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	<u>53,600</u>
TOTAL DECREASE	53,600

SECTION 5. Section 5.02(b) of City-County Fiscal Ordinance No. 105, 2000, as amended by City-County Fiscal Ordinance No. 49, 2001, and Fiscal Ordinance No. 40, 2002, be and is hereby further amended to increase the number of authorized employees for the Department of Public Safety, Division of Emergency Management Planning, from six (6) F.T.E.'s to seven (7) F.T.E.'s for the calendar year 2002.

SECTION 6. Fifty percent (50%) of the salaries approved in this ordinance will be reimbursed by both the State Emergency Management Agency and the American Red Cross. The council does not intend to use the revenues from any local tax, regardless of source, to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 339, 2002 was retitled FISCAL ORDINANCE NO. 86, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 86, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating Fourteen Thousand One Hundred Ninety-five Dollars (\$14,195) in the Consolidated County Fund for purposes of the Department of Public Safety, Police Division, and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(k) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of the Department of Public Safety, Police Division, to fund one new position to complete the physical registration process for all sex offenders required to register in Marion County, maintain the sex offender database for the City and County, and disseminate information regarding the registry, as required by IC 36-2-13-5.5, financed by partial reimbursement from the Marion County Sheriff's Department, and fund balance.

SECTION 2. The sum of Fourteen Thousand One Hundred Ninety-five Dollars (\$14,195) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u>	<u>CONSOLIDATED COUNTY FUND</u>
<u>POLICE DIVISION</u>	
1. Personal Services	<u>14,195</u>
TOTAL INCREASE	14,195

SECTION 4. The said additional appropriation is funded by the following decreases:

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	<u>14,195</u>
TOTAL DECREASE	14,195

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Boyd said that he failed to recognize earlier two guests in the audience this evening, William Schneider, former Councillor, and Rex Early, former Republican State Chairman.

PROPOSAL NO. 340, 2002. Councillor Cockrum reported that the Parks and Recreation Committee heard Proposal No. 340, 2002 on July 11, 2002. The proposal, sponsored by Councillors Cockrum and Soards, approves a reappropriation of \$250,000 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) as partial funding for the purchase of 101 acres of the Mann Property, to be used for additional recreational facilities with direct access to the White River in Decatur Township, financed by fund balances. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Massie commended Councillor Cockrum for his personal efforts in this purchase and thanked the owner of the property for being patient in negotiations.

President SerVaas called for public testimony at 8:40 p.m. There being no one present to testify, Councillor Cockrum moved, seconded by Councillor Massie, for adoption. Proposal No. 340, 2002 was adopted on the following roll call vote; viz:

24 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Douglas, Gray, Horseman, Knox, Langsford, Massie, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford

0 NAYS:

3 NOT VOTING: Coughenour, Gibson, McWhirter

2 ABSENT: Bainbridge, Dowden

Proposal No. 340, 2002 was retitled FISCAL ORDINANCE NO. 87, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 87, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) reappropriating Two Hundred Fifty Thousand Dollars (\$250,000) in the Park General Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Park General Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(l) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to partially fund the purchase of 101 acres of the Mann Property, to be used for additional recreational facilities with direct access to the White River.

SECTION 2. The sum of Two Hundred Fifty Thousand Dollars (\$250,000) be, and the same is hereby, reappropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

DEPARTMENT OF PARKS AND RECREATION

4. Capital Outlay
TOTAL INCREASE

PARK GENERAL FUND

250,000
250,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered	
Park General Fund	<u>250,000</u>
TOTAL DECREASE	<u>250,000</u>

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 329, 2002. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 329, 2002 on July 29, 2002. The proposal, sponsored by Councillor Smith, is a final resolution and public hearing for Pleasant Run Apartments not to exceed \$13,000,000 which project consists of the acquisition and rehabilitation of a 252-unit apartment complex on an approximately 16 acre parcel of land located at 1366 North Arlington Avenue (District 12). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Moriarty Adams said that she will abstain from voting on this proposal due to the appearance of a conflict because of her employer.

Councillor Smith moved, seconded by Councillor Coughenour, for adoption. Proposal No. 329, 2002 was adopted on the following roll call vote; viz:

24 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Gibson, Horseman, Knox, Langsford, Massie, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford
0 NAYS:
3 NOT VOTING: Gray, McWhirter, Moriarty Adams
2 ABSENT: Bainbridge, Dowden

Proposal No. 329, 2002 was retitled SPECIAL ORDINANCE NO. 5, 2002, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 5, 2002

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue one or more series of its City of Indianapolis, Indiana Multifamily Housing Revenue Bonds, Series 2002 (Pleasant Run Apartments – Arlington Village Phase and Bolton Court Phase) in the aggregate principal amount not to exceed Six Million One Hundred Five Thousand Dollars (\$6,105,000) and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code Title 36, Article 7, Chapters 11.9 and 12 (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, the Act provides that an issuer may, pursuant to the Act, issue revenue bonds and lend the proceeds thereof to a corporation, partnership or individual for the purpose of financing costs of acquisition or construction of facilities, including real and personal property, for diversification of economic development and promotion of job opportunities in or near such issuer; and

WHEREAS, a representative of Finlay Interests 8, Ltd., a Florida limited partnership (the "Arlington Village Phase Owner"), and of Finlay Interests 9, Ltd., a Florida limited partnership (the "Bolton Court Phase Owner") (collectively, the "Company") has requested that the City of Indianapolis, Indiana (the "Issuer") issue its bonds and lend the proceeds thereof to the Company in order to enable the Company to undertake and complete the acquisition, rehabilitation, equipping and improvement of the existing 252-unit Pleasant Run Apartments located on an approximately 16 acre parcel of land at 1366 North Arlington Avenue, Indianapolis, Indiana, consisting of 156 units located in the Arlington Village Phase

(the "Arlington Village Phase") and 96 units located in the Bolton Court Phase (the "Bolton Court Phase") which phases are contiguous (collectively, the "Project"); and

WHEREAS, the Arlington Village Phase Owner will own the Arlington Village Phase of the Project and the Bolton Court Phase Owner will own the Bolton Court Phase of the Project; and

WHEREAS, the Indianapolis Economic Development Commission (the "Commission") has rendered a report of the Commission concerning the proposed financing of economic development facilities for the Company and the Metropolitan Development Commission of Marion County has been given the opportunity to comment thereon pursuant to Indiana code, Title 36, Article 7, Chapter 12, Section 23(b); and

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the acquisition, rehabilitation, equipping and improvement of the Project by issuing its City of Indianapolis, Indiana Multifamily Housing Revenue Bonds, Series 2002 (Pleasant Run Apartments - Arlington Village Phase and Bolton Court Phase) (the "Bonds") in the aggregate principal amount not to exceed Six Million One Hundred Five Thousand Dollars (\$6,105,000); and

WHEREAS, the Commission, after a public hearing conducted on July 3, 2002 pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") found that the financing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the Issuer and its citizens; and

WHEREAS, the Issuer intends to issue the Bonds pursuant to a Trust Indenture (the "Indenture") between the Issuer and Bank One Trust Company, National Association, as Trustee (the "Trustee") in order to obtain funds to lend to the Arlington Village Phase Owner pursuant to an Arlington Village Phase Financing Agreement (the "Arlington Village Phase Financing Agreement") by and among the Issuer, the Arlington Village Phase Owner, the Trustee and Continental Wingate Associates, Inc. (the "Lender") for the purpose of financing or providing reimbursement for a portion of the cost of the Arlington Village Phase of the Project and to pay a portion of the costs of issuance of the Bonds; and

WHEREAS, the Issuer intends to issue the Bonds pursuant to a Trust Indenture (the "Indenture") between the Issuer and the Trustee in order to obtain funds to lend to the Arlington Village Phase Owner pursuant to a Bolton Court Phase Financing Agreement (the "Bolton Court Phase Financing Agreement") by and among the Issuer, the Bolton Court Phase Owner, the Trustee and the Lender for the purpose of financing or providing reimbursement for a portion of the cost of the Bolton Court Phase of the Project and to pay a portion of the costs of issuance of the Bonds; and

WHEREAS, the Arlington Village Phase Financing Agreement and the Bolton Court Phase Financing Agreement provide for the repayment by the Arlington Village Phase Owner and the Bolton Court Phase Owner of the loan of the proceeds of the Bonds pursuant to which the Arlington Village Phase Owner and the Bolton Court Phase Owner respectively will agree to make payments sufficient to pay the principal and interest on the Bonds as the same become due and payable and to pay administrative expenses in connection with the Bonds; and

WHEREAS, the Issuer, the Arlington Village Phase Owner and the Trustee will enter into an Arlington Village Phase Land Use Restriction Agreement (the "Arlington Village Phase Land Use Restriction Agreement") which will govern the use of the Arlington Village Phase of the Project; and

WHEREAS, the Issuer, the Bolton Court Phase Owner and the Trustee will enter into a Bolton Court Phase Land Use Restriction Agreement (the "Bolton Court Phase Land Use Restriction Agreement") which will govern the use of the Bolton Court Phase of the Project; and

WHEREAS, the Issuer, the Arlington Village Phase Owner and the Trustee will enter into an Arlington Village Phase Tax Regulatory Agreement (the "Arlington Village Phase Tax Regulatory Agreement") to assure compliance with the Code; and

WHEREAS, the Issuer, the Bolton Court Phase Owner and the Trustee will enter into a Bolton Court Phase Tax Regulatory Agreement (the "Bolton Court Phase Tax Regulatory Agreement") to assure compliance with the Code; and

WHEREAS, the Issuer, the Arlington Village Phase Owner, the Bolton Court Phase Owner and William R. Hough & Co., as the underwriter (the "Underwriter") will enter into a Bond Purchase Contract (the "Bond Purchase Contract") regarding the sale of the Bonds; and

WHEREAS, the Underwriter will utilize a Preliminary Official Statement (the "Preliminary Official Statement") and an Official Statement (the "Official Statement") in connection with the offering and sale of the Bonds; and

WHEREAS, the financing will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating in the same market area or in or about Marion County, Indiana; and

WHEREAS, there have been submitted to the Commission for its approval substantially final forms of (1) Indenture; (2) Arlington Village Phase Financing Agreement; (3) Bolton Court Phase Financing Agreement; (4) Bond Purchase Contract; (5) Preliminary Official Statement; (6) Arlington Village Phase Land Use Restriction Agreement; (7) Bolton Court Phase Land Use Restriction Agreement; (8) Arlington Village Phase Tax Regulatory Agreement; (9) Bolton Court Phase Tax Regulatory Agreement (hereinafter referred to collectively as the "Financing Documents"); and (10) Special Ordinance authorizing the issuance of the Bonds, which are by this reference incorporated herein; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA

SECTION 1. It is hereby found that the financing of the economic development facilities consisting of the Project referred to in the Financing Documents, the issuance and sale of the Bonds, the loan of the proceeds thereof to the Arlington Village Phase Owner and the Bolton Court Phase Owner for the purposes of financing or providing reimbursement for a portion of the cost of the Project, and the repayment of said loans by the Arlington Village Phase Owner and the Bolton Court Phase Owner will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The forms of the Financing Documents presented herewith (i) are hereby approved (ii) are incorporated herein and (iii) shall be kept on file by the Clerk of the Council or City-Controller. In compliance with Indiana Code Title 36, Article 1, Chapter 5, Section 4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Issuer shall issue its Bonds in the aggregate principal amount not to exceed Six Million One Hundred Five Thousand Dollars (\$6,105,000) for the purpose of procuring funds to loan to the Arlington Village Phase Owner and the Bolton Court Phase Owner in order to finance or provide reimbursement for a portion of the cost of the Project which Bonds will be payable as to principal and interest solely from the payments made respectively by the Arlington Village Phase Owner and the Bolton Court Phase Owner pursuant to the Arlington Village Phase Financing Agreement and the Bolton Court Phase Financing Agreement to evidence and secure said loan and as otherwise provided in the above-described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. The Issuer approves the use and distribution of a Preliminary Official Statement and an Official Statement, in substantially the form submitted to the Issuer, in connection with the issuance, sale and delivery of the Bonds, and authorizes and directs the Mayor of the Issuer to sign the Official Statement if so requested by counsel to the Underwriter. Rule 15c2-12(b)(1) of the Securities Exchange Act of 1934, as amended (the "SEC Rule"), provides that, prior to the time a participating underwriter or placement agent bids for, purchases, offers or sells municipal securities, the participating underwriter or placement agent shall obtain and review an official statement that an issuer of such securities deems a "near final" official statement. The Preliminary Official Statement is hereby deemed final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters. The Mayor, the City Clerk or any other officer of the Issuer familiar with the matters with respect to the Issuer set forth in the Preliminary Official Statement is hereby authorized to certify to the Underwriter that the information in the Preliminary Official Statement (other than information relating to the Company, the Project or DTC) is deemed to be final within the meaning of the SEC Rule prior to the distribution of the Preliminary Official Statement.

SECTION 5. The City Clerk and City Controller are authorized and directed to sell such Bonds to the purchasers thereof at a price not less than 97% of the aggregate principal amount thereof plus accrued interest, if any, and at rates of interest not to exceed 12% per annum. The Bonds will mature no later than 40 years from their date of issuance.

SECTION 6. The Mayor and City Clerk are authorized and directed to execute those Financing Documents approved herein which require the signature of the Mayor and City Clerk and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the City Clerk on the Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Bonds to the purchaser, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and City Clerk may, by their execution of the Financing Documents requiring their signatures or imprinting of their facsimile signatures thereon, approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk without further approval of this City-County Council or the Commission if such changes do not affect terms set forth in Indiana Code Title 36, Article 7, Chapter 12, Section 27(a)(1) through (a)(10).

SECTION 7. The provisions of this special ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Bonds and after the issuance of said Bonds, this special ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 8. The Issuer hereby preliminarily finds and determines that the amount of tax credits to be allocated to the Project under Section 42 of the Code and regulations promulgated thereunder does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, the Issuer has relied upon representations of the Company. The foregoing determinations shall not be construed to be a representation or warranty by the Issuer as to the feasibility or viability of the Project. The Issuer hereby authorizes and directs the Mayor to make the foregoing determination again for and on behalf of the Issuer at the request of the Company following receipt of supporting materials submitted by the Company or of the Indiana Housing Finance Authority ("IHFA") to the effect that (i) the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project, and (ii) the Project satisfied the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan. Such determinations shall occur on or about the date of the sale of the Bonds to the purchasers thereof and on or about the date that each building of the Project is placed in service. In reliance upon the representations of the Company, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan.

SECTION 9. This special ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

PROPOSAL NO. 330, 2002. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 330, 2002 on July 29, 2002. The proposal, sponsored by Councillor Smith, is an inducement resolution for Orchard Park Apartments in an amount not to exceed \$2,300,000 which project consists of the acquisition and rehabilitation of the existing 94-unit, apartment complex on an approximately 6.784 acre parcel of real estate located at 3102 North Baltimore (District 11). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Moriarty Adams said that she will abstain from voting on this proposal due to the appearance of a conflict because of her employer.

Councillor Smith moved, seconded by Councillor Coughenour, for adoption. Proposal No. 330, 2002, as amended, was adopted on the following roll call vote; viz:

25 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Gibson, Gray, Horseman, Knox, Langsford, Massie, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford

0 NAYS:

2 NOT VOTING: McWhirter, Moriarty Adams

2 ABSENT: Bainbridge, Dowden

Proposal No. 330, 2002, as amended, was retitled SPECIAL RESOLUTION NO. 51, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 51, 2002

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana (the "Issuer") is authorized by IC 36-7-11.9 and IC 36-7-12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, rehabilitation, construction, installation and equipping of said facilities, and said facilities to be either sold or leased to a company or the proceeds of the revenue bond issue may be loaned to the company and said facilities directly owned by the Company; and

WHEREAS, D & O Investments, LLC or its assigns (the "Applicant"), has advised the Indianapolis Economic Development Commission (the "Commission") and the Issuer that it proposes that the Issuer either acquire certain economic development facilities and sell or lease the same to Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities to consist of the acquisition and rehabilitation of the existing 94-unit Orchard Park Apartments located on an approximately 6.784 acre parcel of land at 3102 North Baltimore, Indianapolis, Indiana (the "Project"); and

WHEREAS, the diversification of industry and the creation and retention of opportunities for gainful employment and the creation of business opportunities to be achieved by the acquisition and rehabilitation of the Project will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens;

WHEREAS, it would appear that the financing of the Project would be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and rehabilitation of the Project will not have an adverse competitive effect on similar facilities already constructed or operating within the jurisdiction of the Issuer; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. It finds, determines, ratifies and confirms that the diversification of industry and the retention of opportunities for gainful employment within the jurisdiction of the Issuer, is desirable, serves a public purpose, and is of benefit to the health or general welfare of the Issuer; and that it is in the public interest that this Issuer take such action as it lawfully may to encourage the diversification of industry, the creation of business opportunities, and the creation and retention of opportunities for gainful employment within the jurisdiction of the Issuer.

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed \$2,300,000 under the Act to be privately placed or publicly offered if permitted under current Commission policy for the acquisition and rehabilitation of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition and rehabilitation of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition and rehabilitation of the Project, this Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement resolution expires on August 31, 2003, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by this Council prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action, extends the term of this inducement resolution; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds (a) this inducement resolution is still in effect and (b) if applicable, the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year, it being understood that the Issuer, by taking this action, is not making any representation nor any assurances that (1) any such allocable limit will be available, because inducement resolutions in the aggregate amount in excess of the private activity bond limit may, and in all probability will, be adopted; (2) the

proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions; and (3) no portion of such activity bond limit has been guaranteed for the proposed Project; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the date which is sixty (60) days prior to the adoption of this resolution, including reimbursement or repayment to the Applicant of monies expended by the Applicant for application fees, planning, engineering, underwriting expenses, attorney and bond counsel fees, and acquisition and rehabilitation of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the Project to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the Project. Also certain indirect expenses incurred prior to such date will be permitted to be included as part of the bond issue to finance the Project in accordance with the Final Regulations (T 8476) on Arbitrage Restrictions on Tax-Exempt Bonds in particular Section 1.150-2.

SECTION 5. This Council recognizes that the Applicant intends to utilize Tax Credits, if available, pursuant to Section 42 of the Internal Revenue Code of 1986, as amended, or any successor section thereof in connection with the financing of the Project with tax-exempt bonds.

SECTION 6. The Council hereby finds and determines that the amount of tax credits to be allocated to the Project under Section 42 of the Internal Revenue Code of 1986, as amended, does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, the Issuer has relied upon representations of the Applicant. The foregoing determinations shall not be construed to be a representation or warranty by the Issuer as to the feasibility or viability of the Project. The Mayor of the City of Indianapolis (the "Mayor") is hereby directed to delegate to the Director, Department of Metropolitan Development, the authority to execute on behalf of the Mayor and the Issuer any and all documents required in the application process for tax credit or volume cap allocations from the appropriate State of Indiana agency. In reliance upon the representations of the Applicant, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan.

SECTION 7. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

NEW BUSINESS

Councillor Bradford said that the Councillors will receive an invitation to the 6th Annual Broad Ripple Grand Prix on Sunday, August 19, 2002, to benefit Huntington's Disease and beautification of Broad Ripple. He said that former Councillor Randy Shambaugh will be present, who suffers from Huntington's Disease. President SerVaas asked how Mr. Shambaugh is doing. Councillor Bradford said that he is doing well and is always very involved in this event.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Talley in memory of R.D. Cockrill and Velma Dickerson; and
- (2) Councillor Knox in memory of Soonia Sparks Angel; and
- (3) Councillor Nytes in memory of James David Laughlin; and
- (4) Councillor Borst in memory of Mary Borst.

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of R.D. Cockrill, Velma Dickerson,

Soonia Sparks Angel, James David Laughlin, and Mary Borst. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:46 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 5th day of August, 2002.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.



President

ATTEST:



Clerk of the Council

(SEAL)

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, AUGUST 26, 2002**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:08 p.m. on Monday, August 26, 2002, with President SerVaas presiding.

Councillor Schneider led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

28 PRESENT: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford
1 ABSENT: Conley

A quorum of twenty-eight members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Talley recognized State Representative William Crawford and friend Damon Moore. Councillor Black introduced long-time friend and mentor Herman Johnson. Councillor Boyd recognized the new Chief Executive Officer for IndyGo, Gil Holmes. Councillor Langsford recognized Rob Stoefel, Forest Creek Neighborhood Association, and John Harold, president of the Town of Cumberland Council. Councillor Horseman recognized former City employee Judy McKillip.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, August 26, 2002, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Beurt SerVaas
President, City-County Council

August 6, 2002

TO PRESIDENT SERVAAS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, August 9, 2002, a copy of a Notice of Public Hearing on Proposal Nos. 378-380, 2002, said hearing to be held on Monday, August 26, 2002, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Suellen Hart
Clerk of the City-County Council

August 16, 2002

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Suellen Hart, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 78, 2002 - approves an appropriation of \$166,790 in the 2002 Budget of the City-County Council (Consolidated County Fund) to reappropriate funds spent on the review and analysis of the City's purchase of the Indianapolis Water Co., funded by fund balances

FISCAL ORDINANCE NO. 79, 2002 - approves an appropriation of \$70,000 in the 2002 Budget of the Department of Administration, Fleet Services Division (Federal Grants Fund) to install a 5000 gallon above ground fuel tank, with canopy, at 1736 S. West Street, to dispense ethanol (E85) fuel, financed by a federal grant

FISCAL ORDINANCE NO. 80, 2002 - approves an appropriation of \$12,000 in the 2002 Budget of the Office of the Controller (Landmark Building Preservation Fund) to cover the cost of installing windows in the East Building of the City Market Building that are not covered by a \$10,000 grant received by the City Market Board, financed by fund balances

FISCAL ORDINANCE NO. 82, 2002 - approves a transfer of \$225,000 in the 2002 Budgets of the County Auditor, Prosecuting Attorney, and Community Corrections (County General Fund) to fully staff D-Felony level courts in parity with the Public Defender and increase the capacity of the Annex from 280 to 340 inmates, financed by a transfer from the County Auditor

FISCAL ORDINANCE NO. 83, 2002 - approves an increase of \$201,249 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) to expand the capacity of the current Community Transition Program, funded by a state grant

FISCAL ORDINANCE NO. 84, 2002 - approves an increase of \$107,006 in the 2002 Budgets of the County Auditor and Community Corrections (Home Detention User Fee Fund) for additional staff due to the enormous growth in the Community Transition and Day Reporting Programs, and also due to jail overcrowding, financed by fund balances

FISCAL ORDINANCE NO. 85, 2002 - approves an appropriation of \$53,600 in the 2002 Budget of the Department of Public Safety, Emergency Management and Planning Division (Consolidated County Fund) to

fund one new position for volunteer coordination during emergencies, financed by grants from the American Red Cross and the State Emergency Management Agency

FISCAL ORDINANCE NO. 86, 2002 - approves an appropriation of \$14,195 in the 2002 Budget of the Department of Public Safety, Police Division (Consolidated County Fund) to fund one new position to complete the physical registration process for all sex offenders required to register in Marion County, maintain the sex offender database for the City and County, and disseminate information regarding the registry, as required by IC 36-2-13-5.5, financed by partial reimbursement from the Marion County Sheriff's Department, and by fund balances

FISCAL ORDINANCE NO. 87, 2002 - approves a reappropriation of \$250,000 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) as partial funding for the purchase of 101 acres of the Mann Property, to be used for additional recreational facilities with direct access to the White River in Decatur Township, financed by fund balances

SPECIAL ORDINANCE NO. 5, 2002 - a final resolution and public hearing for Pleasant Run Apartments not to exceed \$13,000,000 which project consists of the acquisition and rehabilitation of a 252-unit apartment complex on an approximately 16 acre parcel of land located at 1366 North Arlington Avenue (District 12)

SPECIAL RESOLUTION NO. 50, 2002 - honors Dr. Kenneth Ossip on the 50th Anniversary of Ossip Optometry and Ophthalmology

SPECIAL RESOLUTION NO. 51, 2002 - an inducement resolution for Orchard Park Apartments in an amount not to exceed \$2,300,000 which project consists of the acquisition and rehabilitation of the existing 94-unit, apartment complex on an approximately 6.784 acre parcel of real estate located at 3102 North Baltimore (District 11)

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed.

Councillor Talley moved, seconded by Councillor Gibson, to hear and take final action this evening on Proposal Nos. 423 and 424, 2002. He said that these proposals should be moved for hearing under their appropriate heading of Presentation of Council Resolutions. He added that as these proposals are in relation to statements made by two Councillors, those Councillors should be prohibited from voting on any motions regarding these proposals.

Councillor Borst moved, seconded by Councillor Schneider, to amend Councillor Talley's motion to hear Proposal Nos. 423 and 424, 2002 under the heading of New Business this evening.

Councillor Boyd said that these types of resolutions are usually handled under Presentation of Petitions at the top of the agenda. Councillor Borst said that since the agenda has already been set, and these proposals are being introduced and referred to committees this evening, he feels they should not take precedence over other previously scheduled items on the agenda. He said, however, that he would be agreeable to hearing them at the close of the meeting under New Business.

The motion to amend Councillor Talley's motion carried by the following roll call vote; viz:

14 YEAS: Bainbridge, Borst, Bradford, Cockrum, Coonrod, Coughenour, Dowden, Langsford, McWhirter, Schneider, SerVaas, Smith, Soards, Tilford

13 NAYS: Black, Boyd, Brents, Douglas, Gibson, Gray, Horseman, Knox, Moriarty Adams, Nytes, Sanders, Short, Talley

1 NOT VOTING: Massie

1 ABSENT: Conley

President SerVaas said that he assigned these proposals to the Committee on Committees, because they involved committees and chairmanship of committees. He said they would have

been scheduled for public input and an open hearing, but if the Council wishes that they be heard this evening, it is only fair that the proposals be put at the end of agenda under New Business.

Councillor Horseman said that in a previous meeting when a censure resolution was before the full Council, the matter was the sixth item on the agenda. Councillor Borst said that the proposals are currently slated to go to Committee and the Council is indulging Councillor Talley's request to forego the Committee process and hear them this evening. There are individuals here this evening to give public testimony regarding the budget that should not have to wait. Councillor Horseman said that New Business is at the end of the agenda and no one will still be present to hear this very important issue.

Councillor Horseman said that Councillor Dowden, as the subject of these proposals, should not have been allowed to vote on the motion. President SerVaas said that each Councillor may use their own discretion in determining conflict of interest when voting on an issue. Councillor Horseman said that Councillors Dowden and Massie should not be allowed to vote on the actual proposals. Councillor Massie said that he did not vote on the previous motion and will not be voting on Proposal No. 424, 2002.

Councillor Talley said that his motion also included prohibiting these Councillors from voting. President SerVaas ruled this motion out of order and said that Council members cannot prohibit other Councillors from voting on Council items. He said that further discussion on this issue will be reserved until New Business.

Without further objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of August 5, 2002. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 420, 2002. The proposal, sponsored by Councillors Soards, Borst, Boyd, and Short, welcomes Colt's Coach Tony Dungy to Indianapolis. Councillor Soards read the proposal and presented Mr. Dungy with a copy of the document and a Council pin. Bill Polian, president and general manager of the Indianapolis Colts, welcomed Mr. Dungy and said that the City and the team are lucky to have him. Mr. Dungy thanked the Council for the recognition and said that he is glad to be in the midwest in a city with values and a community spirit. Councillor Gibson said that he has heard wonderful things about how Mr. Dungy gives to the community and he welcomed Mr. Dungy and his Christian values to the city. Councillor Boyd said that he has been a season ticket holder since the Colts came from Baltimore, and he is looking forward to a new season under Mr. Dungy's leadership. Councillor Soards moved, seconded by Councillor Borst, for adoption. Proposal No. 420, 2002 was adopted by a unanimous voice vote.

Proposal No. 420, 2002 was retitled SPECIAL RESOLUTION NO. 52, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 52, 2002

A SPECIAL RESOLUTION welcoming Colt's Coach Tony Dungy to Indianapolis.

WHEREAS, this year Tony Dungy marks his seventh season as a National Football League head coach, and his first year heading up the Indianapolis Colts; and

WHEREAS, Tony Dungy distinguished himself as the most successful coach in the history of the Tampa Bay Buccaneers by leading them to the playoffs in four of his six seasons; and

WHEREAS, he has developed a reputation for developing Pro-Bowl caliber players; and

WHEREAS, he is known for effective defensive strategies, ranking sixth in the NFL in total defense and eighth in the League for points allowed during the past season; and

WHEREAS, Tony Dungy is a proven community leader, supporting charitable organizations on both the local and national levels as a spokesperson and an advocate; and

WHEREAS, Coach Dungy and the Indianapolis Colts promise to give our community an exciting season and make us proud to be one of only 32 NFL cities in the United States; now, therefore

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council extends to Coach Tony Dungy its warmest welcome to the Indianapolis community, and our best wishes for success this season and in the seasons to follow.

SECTION 2. The Council considers the Indianapolis Colts a tremendous asset to our city, and looks forward to the regular season's first coin toss, the crowd's roar, the cheerleaders, watching great athletes doing what they do best, and the swelling of pride for the home team.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 421, 2002. The proposal, sponsored by Councillor Nytes, recognizes the Sixth Quadrennial International Violin Competition of Indianapolis, September 6-22, 2002. Councillor Nytes read the proposal and presented Glenn Kwok, Executive Director of the International Violin Competition of Indianapolis, with a copy of the document and a Council pin. Mr. Kwok thanked the Council for the recognition and invited them to attend the competition. Councillor Nytes moved, seconded by Councillor Horseman, for adoption. Proposal No. 421, 2002 was adopted by a unanimous voice vote.

Proposal No. 421, 2002 was retitled SPECIAL RESOLUTION NO. 53, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 53, 2002

A SPECIAL RESOLUTION recognizing the Sixth Quadrennial International Violin Competition of Indianapolis, September 6-22, 2002.

WHEREAS, the International Violin Competition of Indianapolis was organized in 1982, and now sponsors three annual chamber music series, is involved in schools, and hosts this international competition every four years; and

WHEREAS, for 17 days in September the Sixth Quadrennial International Violin Competition will draw the world's attention to Indianapolis by bringing the finest young violinists to our great city; and

WHEREAS, the violin competition screening panel has already narrowed 200 applicants down to 52 participants from 21 nations; and

WHEREAS, the 2002 Competition will be launched on September 6th with a parade from Monument Circle to Pan Am Plaza and Opening Ceremonies at Union Station, and conclude on September 22nd with a Gala Awards Ceremony and Reception at the Scottish Rite Cathedral; and

WHEREAS, several prizes await to be earned for performances, with the First Place Laureate receiving a 24-karat gold medal, a debut recital at Carnegie Hall, a Compact Disc recording, \$30,000, and the loan of the ICVI's 1683 "ex-Gingold" Stradivari violin for the next four years; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council welcomes all visitors from around the world to the Sixth Quadrennial International Violin Competition of Indianapolis.

SECTION 2. The Council expresses its appreciation to the hundreds of community volunteers and professional staff who have dedicated their talents to this world-class event, and to those leading sponsors who have invested in the Competition's success: American United Life Insurance Company, Bank One, Bingham McHale LLP, Eli Lilly and Company, Indianapolis Power and Light Co., and NiSource, Inc., along with scores of other corporate, foundation, and individual supporters.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 422, 2002. The proposal, sponsored by Councillor Talley, recognizes the community commitment of Dano's Contracting, LLC. Councillor Talley read the proposal and presented representatives with copies of the document and Council pins. Mike Dano, co-owner of Dano's Contracting, thanked the Council for the recognition. Councillor Talley moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 422, 2002 was adopted by a unanimous voice vote.

Proposal No. 422, 2002 was retitled SPECIAL RESOLUTION NO. 54, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 54, 2002

A SPECIAL RESOLUTION recognizing the community commitment of Dano's Contracting, LLC.

WHEREAS, by its very nature the first order of business for any company is to work hard and smart, to produce goods or services that are needed, and to make enough profit to stay in business; and

WHEREAS, fortunately many businesses people and often their employees respond to a higher calling and use their resources and talents to give something back to the communities in which they operate; and

WHEREAS, Dano's Contracting, LLC does a good job as a general contractor and also chooses to contribute greatly to our community in so many different ways; and

WHEREAS, the low cost renovations and repairs to houses in the 14th Councilmanic District of Indianapolis provided by Dano's Contracting, LLC makes it possible for families to have a place to call home, and is just one example of Dano's Contracting, LLC's giving spirit and commitment to making Indianapolis, Indiana, a safer and more livable city; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council, on behalf of the citizens of Indianapolis thanks Dano's Contracting, LLC, Rick Malikowski, Dan Glogouski and Mike Emerick, and its family of employees who are a tremendous asset to Indianapolis for their vision and generosity.

SECTION 2. It is the partnership between the Mayor, the Council and the business community as demonstrated by Dano's Contracting, LLC that makes Indianapolis a great place to visit, work and to raise a family.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

General Counsel Robert Elrod introduced his son Jon Elrod who recently graduated Cum Laude from Indiana University Law School and is waiting for the results of his bar exam while working with Mr. Elrod at his law firm.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 412, 2002. Introduced by Councillor Tilford. The Clerk read the proposal entitled: "A Proposal for a General Resolution which reviews, modifies, and approves the operating and maintenance budget and tax levies of the Indianapolis Airport Authority District"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 413, 2002. Introduced by Councillor Tilford. The Clerk read the proposal entitled: "A Proposal for a General Resolution which reviews, modifies, and approves the operating and maintenance budget and tax levies of the Capital Improvement Board of Managers of Marion County"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 414, 2002. Introduced by Councillor Tilford. The Clerk read the proposal entitled: "A Proposal for a General Resolution which reviews, modifies, and approves the operating and maintenance budget and tax levies of the Health and Hospital Corporation of Marion County"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 415, 2002. Introduced by Councillor Tilford. The Clerk read the proposal entitled: "A Proposal for a General Resolution which reviews, modifies, and approves the operating and maintenance budget and tax levies of the Indianapolis-Marion County Public Library Board"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 416, 2002. Introduced by Councillor Tilford. The Clerk read the proposal entitled: "A Proposal for a General Resolution which reviews, modifies, and approves the operating and maintenance budget and tax levies of the Indianapolis Public Transportation Corporation"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 417, 2002. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints William M. Matthews to the Information Technology Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 418, 2002. Introduced by Councillor Langsford. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$37,000 in the 2002 Budget of the County Coroner (County General Fund) to cover cabling for building and other building maintenance expenses and to purchase a dog kennel for cadaver dogs"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 419, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$13,199 in the 2002 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to support the

continuation of the Arrestee Drug Abuse Monitoring Program"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 423, 2002. Introduced by Councillors Boyd, Moriarty Adams, Sanders, Horseman, Gibson, and Conley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which offers apology to all citizens and guests to our city for the disparaging characterizations made by two Council members"; and the President referred it to the Committee on Committees.

PROPOSAL NO. 424, 2002. Introduced by Councillors Talley Black, Boyd, Brents, Conley, Douglas, Gibson, Gray, Horseman, Knox, Nytes, Sanders, and Short. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which is a council resolution of censure"; and the President referred it to the Committee on Committees.

PROPOSAL NO. 426, 2002. Introduced by Councillor Coonrod. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which provides limits on Honorary Resolutions"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 434, 2002. Introduced by Councillors Borst and McWhirter. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which concerns council district boundaries"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 435, 2002. Introduced by Councillors Boyd, Black, Brents, Conley, Douglas, Gibson, Gray, Horseman, Knox, Moriarty Adams, Nytes, Sanders, Short, and Talley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which concerns council district boundaries"; and the President referred it to the Rules and Public Policy Committee.

Councillor Sanders said that it should be noted once again that Proposal Nos. 423 and 424, 2002 have been moved for final action under New Business this evening and should not have been referred to Committee. President SerVaas said that this is correct and that the matter will be heard under New Business this evening unless the Council wishes to return it to the Committee on Committees.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 427, 2002, PROPOSAL NO. 428, 2002, and PROPOSAL NOS. 429-433, 2002. Introduced by Councillor Smith. Proposal No. 427, 2002, Proposal No. 428, 2002 and Proposal Nos. 429-433, 2002 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on August 20, 2002. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 103-109, 2002, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 103, 2002.

2002-ZON-817

8400 and 8600 EAST THOMPSON ROAD (approximate addresses), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23

TIMBERLAKE DEVELOPMENT CO., LLC requests a rezoning of 110 acres, being in the D-P Districts, to the D-3 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 104, 2002.

2002-ZON-825

5090 McFARLAND ROAD and 2700 EAST FAIRFAX ROAD (approximate addresses), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24.

LEWIS ENGINEERING, by Troy A. Terew, requests a rezoning of 4.24 acres, being in the D-A District, to the D-1 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 105, 2002.

2002-ZON-083

632 & 636 NORTH EAST STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

MARK WILLIAMS requests a rezoning of 0.15 acre, being in the C-S district, to the D-8 classification to provide for residential development.

REZONING ORDINANCE NO. 106, 2002.

2002-ZON-084

3650 NORTH FRANKLIN ROAD (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 12

THE INDIANAPOLIS. MACEDONIA MISSIONARY BAPTIST CHURCH, INC., by Gregory P. Cafouros, requests a rezoning of 4.58 acres, being in the C-3 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 107, 2002.

2002-ZON-090

6735 EAST THOMPSON ROAD (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23

C.R. WHITE DEVELOPMENT, LLC requests a rezoning of 32.098 acres, being in the D-A District, to the D-2 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 108, 2002.

2002-ZON-094

4002 CARROLL ROAD (approximate address), INDIANAPOLIS.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 5

KEITH A. RUSSELL requests a rezoning of 40 acres, being in the D-A District, to the D-3 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 109, 2002.

2002-ZON-829

7830 EAST EDGEWOOD AVENUE (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23.

EQUICOR DEVELOPMENT, by Joseph D. Calderon, requests a rezoning of 54.0 (+) acres, being in the D-A District, to the D-3 classification to provide for single-family residential development.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 371, 2002. The proposal, sponsored by Councillor Smith, proposes to rezone 120.56 acres at 1419 Bade Road in Warren Township, Councilmanic District 13, being in the D-A (FW)(FF) District, to the D-2 (FW)(FF) classification to provide for a single-family residential development (2002-ZON-005). On July 22, 2002, Councillor Langsford called Proposal No. 371, 2002 out for public hearing for August 5, 2002, at which time it was postponed until August 26, 2002.

Councillor Langsford made the following motion:

Mr. President:

I am pleased to report that the parties involved in the rezoning at 1419 Bade Road have reached a compromise on Proposal No. 371, 2002 (Rezoning Petition No. 2002-ZON-005) and pursuant to

the rules, I now move for the vote on Proposal No. 371, 2002, as modified by the additional commitments, without further public hearing.

Councillor Tilford seconded the motion.

Stephen Mears, counsel for the petitioner, and Rob Stoefel, representative of the remonstrators, said that they are pleased with the negotiations and thanked the Council for working with them through this process. Proposal No. 371, 2002 was adopted on the following roll call vote; viz:

26 YEAS: Bainbridge, Black, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Tilford

0 NAYS:

2 NOT VOTING: Borst, Talley

1 ABSENT: Conley

Proposal No. 371, 2002 was retitled for identification as REZONING ORDINANCE NO. 110, 2002, the original copy of which ordinance is on file with the Metropolitan Development Commission, and is identified as follows:

REZONING ORDINANCE NO. 110, 2002.

2002-ZON-005

1419 BADE ROAD (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13

MANN PROPERTIES, by Stephen D. Mears, requests a rezoning of 120.56 acres, being in the D-A (FW)(FF) District, to the D-2 (FW)(FF) classification to provide for a single-family residential development.

Councillor Boyd stated that there are several concerned parties in attendance this evening to address Proposal Nos. 423 and 424, 2002. He asked if they will be allowed to give public testimony during New Business. President SerVaas said that these proposals will be addressed under New Business and he will allow concerned parties an opportunity to speak at that time.

SPECIAL ORDERS – PUBLIC HEARING ON PROPOSED BUDGETS COMMITTEE OF THE WHOLE COUNCIL

President SerVaas called for public testimony on the following budget ordinances and resolutions, but stated that no action is scheduled to be taken by the Council this evening.

PROPOSAL NO. 398, 2002. The proposal is the annual budget for the Police Special Service District for 2003. PROPOSAL NO. 399, 2002. The proposal is the annual budget for the Fire Special Service District for 2003. PROPOSAL NO. 400, 2002. The proposal is the annual budget for the Solid Waste Collection Special Service District for 2003. PROPOSAL NO. 401, 2002. The proposal is the annual budget for 2003 for the Consolidated City and appropriates the amounts set forth herein for the purposes specified. PROPOSAL NO. 402, 2002. The proposal is the annual budget for 2003 for certain constitutional officers of Marion County and appropriates the amounts set forth herein for the purposes specified. PROPOSAL NO. 403, 2002. The proposal is the annual budget for 2003 for certain Marion County judicial and law enforcement agencies and appropriates the amounts set forth herein for the purposes specified. PROPOSAL NO. 404, 2002. The proposal is the annual budget for 2003 for certain county agencies and appropriates the amounts set forth herein for the purposes specified. PROPOSAL NO. 405, 2002. The proposal is the annual budget for the Metropolitan Emergency Communications Agency for 2003. PROPOSAL NO. 406, 2002. The proposal appropriates the amounts necessary for

payments for city sinking funds for the calendar year 2003. PROPOSAL NO. 407, 2002. The proposal appropriates the amounts necessary for payments from the Revenue Bonds Debt Service Funds for 2003. PROPOSAL NO. 409, 2002. The proposal is the annual budget for the Marion County Office of Family and Children for 2003. PROPOSAL NO. 410, 2002. The proposal determines the tax levy for 2003 for each fund of the Consolidated City and Marion County. PROPOSAL NO. 411, 2002. The proposal authorizes the payment of certain dues for the city and county offices and agencies.

Councillor Sanders said that Proposal No. 408, 2002 is mysteriously absent from this list for which public testimony will be allowed. She said that this proposal is the revenue ordinance and she does not feel it is fair to ask the public to speak on budgets for which revenues have not been clarified. She said that she is embarrassed and feels that a one-vote majority can change the rules whenever it suits their political purposes. President SerVaas said that he has participated in 40 years of budget discussions and the public testimony allowed before action on the budget proposals has always been on those proposals that were advertised. Proposal No. 408, 2002 was not advertised for a public hearing on this date, but it will be heard in Committee, and once recommended by the Committee, will be before the full Council. He said that many negotiations are still going on that affect many of these ordinances, and he is certain the sides will come together in time to pass a budget for both the City and County.

John McClain, citizen, said that it is time the City of Indianapolis enforced punishment for drug use and prostitution and stopped releasing dangerous criminals into the community. He said that the City should solicit advertising to display on City and County-owned vehicles in order to provide additional revenue. He said that local law enforcement agencies need to be merged into one.

William Crawford stated that he stands before the Council this evening as a member of the Indiana State House of Representatives, chair of the public policy committee for the Concerned Clergy of Greater Indianapolis, a citizen voter, and taxpayer. He said that the issue of how housing is funded in Indianapolis is very important. He said that housing stimulates economic activity in neighborhoods, and he is proposing that one penny per \$1,000 of assessed valuation be added as a levy to capitalize the housing trust fund in a program called "Just a Penny would Help so Many." He said that more than 10,000 Indianapolis residents pay more than 50% of their income in rent.

John Merlin, president of the Indianapolis Chamber of Commerce, said that the Chamber supports a county-wide police taxing district. He said that the City has built the County Option Income Tax (COIT) distribution into the budget for 17 years, and it would be unfair to take it away now. He said that if the Council feels this is not an appropriate suggestion, the Chamber urges them to come up with another solution to fund both County and City budgets.

Mark Easley, small Downtown business owner, said that he supports the county-wide taxing district, because Center Township already pays for both Indianapolis Police Department (IPD) and Marion County Sheriff's Department (MCSD).

Andre Lacey, Center Township resident, business owner, and Indianapolis Downtown, Inc. (IDI) board member, said that IDI unanimously supports the city-wide police district proposed by Mayor Bart Peterson. He said that MCSD uses many of IPD's resources and services, yet those outside of the old city limits only pay to support MCSD, and not IPD. Center Township has the highest tax rate in the City and this inhibits growth.

Michael McWellen, Lawrence Township home and business owner, said that he is concerned about the Mayor's plan to increase the tax burden on some of the most over-taxed areas of the County. He said that these areas are policed by the MCSO, which is already under-represented by a two-to-one margin when it comes to uniformed officers. He said that the Mayor is trying to fulfill his campaign promise of an additional 200 police officers by siphoning tax dollars away from the outer townships. He said that the IPD district only has one-third of the population, yet already has two-thirds of the police force. He said the tax burden should be more fairly distributed.

Troy Liggett, president of the Old Northside Neighborhood Association, said that he supports the consolidated police funding district. He said that those living within the old City boundaries will see significant property tax increases in the next year which may even increase up to five-fold, due to the results of tax court and General Assembly decisions. He said that township property taxes will decrease, and these costs will be shifted to Downtown.

Greg Shenkel, president of the Greater Indianapolis Progress Committee (GIPC), said that GIPC supports the county-wide police service district.

Sherry Stone, mother, homeowner and citizen of Indianapolis, said that the family and children issue needs to be looked at closely. Instead of sending so many children to the Department of Corrections and incurring huge bills in that area, the City should consider directing these dollars toward alternative rehabilitation programs for some of these children who should not be in the Department of Corrections.

Shelley Reeves, wife of an Indianapolis firefighter, said that so much money is misappropriated to the wrong things, and the public safety personnel are very important to the quality of life in this City. She said that she received a letter today from Republican representatives which was extremely confusing and did not clarify either party's stand, and she thinks it is time both sides of the aisle look at what is really important when considering budget issues.

There being no further testimony, President SerVaas asked for consent to proceed with the agenda. Consent was given.

SPECIAL ORDERS - PUBLIC HEARING

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 241, 379, and 380, 2002 on August 14, 2002. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 241, 2002. The proposal, sponsored by Councillors Dowden and Soards, approves an increase of \$50,000 in the 2002 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to provide for contractual and consulting services for an Alternative Dispute Resolution, funded by a federal grant. PROPOSAL NO. 379, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$200,000 in the 2002 Budgets of the County Auditor and Prosecuting Attorney (State and Federal Grants Fund) to provide funding for the Street Level Advocate unit for salaries, professional development, public relations and community outreach, funded by a federal grant. PROPOSAL NO. 380, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$465,000 in the 2002 Budgets of the County Auditor and Prosecuting Attorney (State and Federal Grants Fund) to appropriate Marion County Prosecutor Office's share of Block Grant #6 funds to be used to support the Street Level Advocate's salaries and fringes. By 9-0 votes, the Committee reported Proposal Nos. 241 and

379, 2002 to the Council with the recommendation that they do pass as amended, and Proposal No. 380, 2002 to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:25 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal Nos. 241 and 379, 2002, as amended, and Proposal No. 380, 2002 were adopted on the following roll call vote; viz:

20 YEAS: Bainbridge, Borst, Boyd, Bradford, Brents, Cockrum, Douglas, Dowden, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Schneider, SerVaas, Smith, Soards, Talley, Tilford

0 NAYS:

8 NOT VOTING: Black, Coonrod, Coughenour, Gibson, Gray, Nytes, Sanders, Short

1 ABSENT: Conley

Proposal No. 241, 2002, as amended, was retitled FISCAL ORDINANCE NO. 90, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 90, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97 2001) appropriating an additional Fifty Thousand Dollars (\$50,000) in the State and Federal Grants Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney to provide for contractual and consulting services for Alternative Dispute Resolution.

SECTION 2. The sum of Fifty Thousand Dollars (\$50,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services – fringes	8,000
 <u>PROSECUTING ATTORNEY</u>	
1. Personal Services	30,000
2. Supplies	1,000
3. Other Services and Charges	<u>11,000</u>
TOTAL INCREASE	50,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>50,000</u>
TOTAL REDUCTION	50,000-

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 379, 2002, as amended, was retitled FISCAL ORDINANCE NO. 88, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 88, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97 2001) appropriating an additional Two Hundred Thousand Dollars (\$200,000) in the State and Federal Grants Fund for purposes of the County Auditor and Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Prosecuting Attorney for the support of the Street Level Advocate unit with funding for salaries, professional development, and public relations and community outreach.

SECTION 2. The sum of Two Hundred Thousand Dollars (\$200,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	34,858
<u>PROSECUTING ATTORNEY</u>	
1. Personal Services	126,210
2. Supplies	1,740
3. Other Services and Charges	35,192
4. Capital Outlay	<u>2,000</u>
TOTAL INCREASE	200,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>200,000</u>
TOTAL REDUCTION	200,000

SECTION 5. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 380, 2002 was retitled FISCAL ORDINANCE NO. 89, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 89, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97 2001) appropriating an additional Four Hundred Sixty-five Thousand Dollars (\$465,000) in the State and Federal Grants Fund for purposes of the County Auditor and Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Prosecuting Attorney to appropriate Marion County Prosecutor Office's share of Block Grant #6 funds to be used to support the Street Level Advocate's salaries and fringes.

SECTION 2. The sum of Four Hundred Sixty-five Thousand Dollars (\$465,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - fringes	101,600
 <u>PROSECUTING ATTORNEY</u>	
1. Personal Services	363,400
TOTAL INCREASE	465,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	465,000
TOTAL REDUCTION	465,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 378, 2002. Councillor Cockrum reported that the Parks and Recreation Committee heard Proposal No. 378, 2002 on August 15, 2002. The proposal, sponsored by Councillors Cockrum and Douglas, approves an appropriation of \$105,300 in the 2002 Budget of the Department of Parks and Recreation (Federal Grants Fund) to serve 40,000 - 45,000 lunches to needy children at 24 sites in Indianapolis (Summer Lunch Program), financed by a U.S. Department of Agriculture grant. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:26 p.m. There being no one present to testify, Councillor Cockrum moved, seconded by Councillor Massie, for adoption. Proposal No. 378, 2002 was adopted on the following roll call vote; viz:

21 YEAS: Bainbridge, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Douglas, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Schneider, SerVaas, Smith, Soards, Talley, Tilford

0 NAYS:

7 NOT VOTING: Black, Dowden, Gibson, Gray, Nytes, Sanders, Short

1 ABSENT: Conley

Proposal No. 378, 2002 was retitled FISCAL ORDINANCE NO. 91, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 91, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating One Hundred Five Thousand and Three Hundred Dollars (\$105,300)

in the Federal Grants Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(l) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for the purpose of the Department of Parks and Recreation to serve 40,000 – 45,000 lunches to needy children at 24 sites in Indianapolis (Summer Lunch Program).

SECTION 2. The sum of One Hundred Five Thousand and Three Hundred Dollars (\$105,300) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>105,300</u>
TOTAL INCREASE	105,300

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>105,300</u>
TOTAL REDUCTION	105,300

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 265, 2002. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 265, 2002 on August 6, 2002. The proposal, sponsored by Councillors McWhirter, Horseman, Sanders, Soards, and Boyd, amends various sections of Chapter 996 of the Revised Code regarding the regulations of the taxicab and limousine industries by the City. Councillor McWhirter explained the entire process and length of time it took to research and make changes to this ordinance through the efforts of a sub-committee. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Boyd said that there have been extensive meetings on this issue and he commended Councillor McWhirter for facilitating complete public input. He said that while this ordinance may still be far from perfect, it is a step in the right direction.

Councillor Soards said that, as a co-sponsor, he supports the proposal and has heard from representatives of the hotel industry that express their satisfaction with the changes.

Councillor Schneider commended Councillor McWhirter for all of her efforts and facilitation of discussion. He added, however, that he still has some concerns about changes that may be detrimental. He said that there was never any substantiation for the reason to require 20 cabs or licenses. Even though existing operators are grandfathered, this limits entrepreneurs from

beginning small businesses, and he feels no background or research has been given as to why 20 cabs is better than one. He moved, seconded by Councillor Bradford, to strike subsection (b) in Sec. 996-43.

Councillor Sanders said that this issue was discussed in detail in Committee, and she asked if an amendment should be before the Council in writing. Mr. Elrod said that he has Councillor Schneider's motion in writing and therefore it is in order. Councillor Sanders asked if the rules dictate that each Council member must have a copy of the motion in writing. Mr. Elrod said that there is nothing in the rules that says the motion must be distributed.

Councillor Boyd asked Earl Morgan, Deputy City Controller, to address the issue of the minimum number of 20 taxicabs. Mr. Morgan said that in looking at service levels both in this City and across the country, it has been found that one and two-cab companies do not have the resources to deliver the service required by a world-class city. He said that many other comparable cities have larger minimum limits, but he feels 20 cabs is a good minimum for this City. Councillor McWhirter said that this issue was discussed at great length, and although the proposal may not be perfect, it is a step in the right direction. She added that the license renewal period is a year away, and it could again be amended at a later date if found to be too cumbersome. She urged the Council to vote against the amendment.

Councillor Smith said that he did not support taxi changes several years ago, and will not support them this evening. He said that local government should let those out there driving cabs and the market dictate these decisions.

Councillor Bainbridge said that while it may not be a perfect ordinance, a lot of time and effort has been spent on this issue and he values the work done by the sub-committee and does not think last-minute amendments serve the public well.

The motion to amend per Councillor Schneider failed on the following roll call vote; viz:

6 YEAS: Bradford, Coonrod, Coughenour, Dowden, Massie, Schneider

22 NAYS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Douglas, Gibson, Gray, Horseman, Knox, Langsford, McWhirter, Moriarty Adams, Nytes, Sanders, SerVaas, Short, Smith, Soards, Talley, Tilford

1 ABSENT: Conley

President SerVaas commended Councillor McWhirter on full public hearings and detailed research on this issue. He said that this was truly a bi-partisan effort and although it may not be perfect, it is a start.

Councillor Coonrod said that while the new ordinance limits competition and evolves into somewhat of a monopoly business, it does not set any type of rates. He said that no matter how desirable the proposal may be, to limit competition and not set rates would be unusual when regulating an industry. Mr. Elrod said that because this new proposal does not amend the rate structure, the rate structure already in place will remain in effect. Councillor Coonrod said that one of the biggest concerns seemed to be that licensees only wanted to serve the airport and did not want to take calls for short trips. He said that this proposal authorizes the licensee to charge a pick-up fee in addition to the mileage fee. The rate limitations do not address these pick-up fees.

President SerVaas said that he has reservations about making these kind of changes on the floor at this meeting. He said that Councillor Coonrod could perhaps introduce another proposal in the future to address this matter with further hearings and a separate action.

Councillor Boyd agreed that this is a significant issue and is a point well-taken and should be further reviewed.

Councillor McWhirter moved, seconded by Councillor Boyd, for adoption. Proposal No. 265, 2002, as amended, was adopted on the following roll call vote; viz:

24 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, SerVaas, Short, Soards, Talley, Tilford
4 NAYS: Bradford, Coonrod, Schneider, Smith
1 ABSENT: Conley

Proposal No. 265, 2002, as amended, was retitled GENERAL ORDINANCE NO. 72, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 72, 2002

PROPOSAL FOR A GENERAL ORDINANCE to amend various sections of Chapter 996 of the "Revised Code of the Consolidated City and County" regarding the regulation of public vehicles for hire.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Sections 996-22, 996-23, and 996-24 of the "Revised Code of the Consolidated City and County," regarding eligibility and application requirements for licenses to operate public vehicles for hire, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 996-22. Eligibility.

To be eligible for a license to operate a public vehicle for hire, a person:

- (1) Must possess a public passenger chauffeur or commercial driver's license issued by the State of Indiana;
- (2) Must not have been convicted of a felony within the period of five (5) years immediately preceding the date of the filing of the application; ~~and~~
- (3) Either:
 - a. Must not have been convicted at any time of:
 1. A felony or misdemeanor that involved violence towards another person;
 2. Drunk or drugged driving;
 3. Being an habitual traffic offender; or
 4. Being an habitual substance offender; or
 - b. Must have had a valid City of Indianapolis taxicab operator's license on the effective date of this section; and
- (4) Either:
 - a. Must have been a resident of Marion County or the seven (7) contiguous counties for a cumulative total of at least twelve (12) months; or

- b. Must have had a valid City of Indianapolis taxicab operator's license on the effective date of this subsection.

Sec. 996-23. Application.

Each applicant for a license to operate a public vehicle for hire shall provide to the controller the following information concerning the applicant, on an application form provided by the controller, signed and sworn to by the applicant:

- (1) Full name;
- (2) Residence address;
- (3) Office address;
- (4) Place of residence for the five (5) years immediately preceding the date of the filing of the application, including an address or addresses in Marion County or the seven (7) contiguous counties for a cumulative total of at least twelve (12) months;
- (5) Age, race, sex, height, weight, and color of eyes and hair;
- (6) Place of birth;
- (7) Length of residence in the City of Indianapolis;
- (8) Last previous employment;
- (9) Whether the applicant is a citizen of the United States;
- (10) The date of judgment, court and description of each conviction for a violation of law by the applicant;
- (11) The date of filing, court and description of each charge pending against the applicant alleging a violation of law;
- (12) All governmental entities from which the applicant has been previously licensed to operate any type of public vehicle for hire, and each date and cause for which any such license was ever revoked or suspended; and
- (13) Such additional information as the controller deems necessary.

Sec. 996-24. Attachments to the application.

Each application shall be accompanied by:

- (1) Two (2) recent photographs of the applicant in a format prescribed by the controller, designed to be easily attachable to the license;
- (2) A complete set of the applicant's fingerprints in a format prescribed by the controller;
- (3) A copy of the applicant's Indiana driving record certified within ten (10) days prior to submission of the application; ~~and~~
- (4) A copy of the applicant's limited criminal history from the Indiana State Police and from the Indianapolis Police department, as provided by IC 5-2-5-5; and
- ~~(4)~~(5) Such additional items as the controller deems necessary.

SECTION 2. Sections 996-26 and 996-27 of the "Revised Code of the Consolidated City and County," regarding investigation and examination of applicants for licenses to operate public vehicles for hire, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 996-26. Investigation of applicant.

The controller shall investigate an applicant for a license to operate a public vehicle for hire. The investigation shall include:

- (1) ~~Submission of the photographs and fingerprints of the applicant to the Indianapolis Police Department, which shall report to the controller as to whether the applicant has any criminal record, and the details of that criminal record;~~
- (2)(1) Investigation of the facts giving rise to any violation of law and any charges alleging a violation of law pending against the applicant; and
- (2)(2) Such additional investigation as the controller deems necessary.

Sec. 996-27. Examination of applicant.

(a) Each applicant for a license to operate a public vehicle for hire ~~may~~ shall be examined by the controller ~~if determined by the controller to be necessary~~ to guarantee quality service to customers, as to:

- (1) The applicant's qualifications;
- (2) The applicant's knowledge of the provisions of this chapter and such other ordinances, statutes and regulations as the controller deems relevant;
- (3) The applicant's knowledge of the geography of Marion County and the surrounding counties;
- (4) The applicant's ability to communicate in English with customers; and
- (5) The applicant's skill in operating a motor vehicle (including a driving test accompanied by an inspector in such circumstances as the controller determines to be necessary to protect the public).

(b) Each new applicant for a license to operate a public vehicle for hire shall complete a comprehensive training program administered by the controller or an authorized agent thereof.

SECTION 3. Section 996-29 of the "Revised Code of the Consolidated City and County," regarding the issuance of a license to operate a public vehicle for hire, hereby is amended by the addition of the language which is underscored, to read as follows:

Sec. 996-29. Issuance of license.

Upon completion of the investigation and any examination of the applicant, and a determination by the controller that the applicant is eligible pursuant to Section 996-22 and qualified pursuant to Section 996-27 for a license to operate a public vehicle for hire, the controller shall issue to the applicant a license to operate a public vehicle for hire, in a format prescribed by the controller, which license shall contain the photograph and signature of the licensee, the date of issuance and expiration of the license, and such additional information as the controller deems necessary.

SECTION 4. Article III of Chapter 996 of the "Revised Code of the Consolidated City and County," regarding licenses for operators of public vehicles for hire, hereby is amended by the addition of a NEW Section 996-33, to read as follows:

Sec. 996-33. Post-licensure inspection of operator.

At least two (2) times each year on a schedule or at such unannounced times as determined by the controller, the controller shall inspect each licensed operator for compliance with Section 996-124 and other requirements of this chapter.

SECTION 5. Sections 996-42 and 996-43 of the "Revised Code of the Consolidated City and County," regarding the requirements of public vehicles for hire and the eligibility of applicants for public vehicles for hire licenses, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 996-42. Eligibility.

To be eligible for licensure as a public vehicle for hire, a motor vehicle must:

- (1) Be a passenger vehicle;
- (2) Be designed and constructed to accommodate and transport not more than fifteen (15) passengers, including the driver;
- (3) Be equipped with a two-way radio to facilitate dispatching and other communication between the public vehicle for hire and the owner's central office;
- ~~(3)~~(4) Have a tax situs in Marion County;
- ~~(4)~~(5) Have Marion County license plates; and
- ~~(5)~~(6) Be owned by an applicant eligible to apply for a public vehicle for hire license.

Sec. 996-43. Applicant Eligibility; required number of taxicabs per applicant.

(a) To be eligible to apply for a public vehicle for hire license, a person:

- (1) Must be the owner of the vehicle;
- (2) Must have a central office located in Marion County which shall be kept open twenty-four (24) hours each day for the purpose of receiving calls and dispatching public vehicles for hire within the city; and
- (3) Must not have been convicted of a felony within the period of five (5) years immediately preceding the date of the filing of the application.

(b) No person shall be eligible to apply for, or have the controller renew, public vehicle for hire licenses for taxicabs unless the number of taxicabs which are owned by that person, and which are licensed or will be licensed if the application is approved, is twenty (20) or more; however, this limitation shall not apply to any subsequent renewal of a license which was valid on July 1, 2002.

SECTION 6. Section 996-49 of the "Revised Code of the Consolidated City and County," regarding pre-licensure inspection of vehicles, hereby is amended by the addition of the language which is underscored, to read as follows:

Sec. 996-49. Pre-licensure inspection of vehicle.

The controller shall inspect the vehicle for compliance with the motor vehicle equipment requirements of IC 9-19 and Section 996-123 of the Code.

SECTION 7. Sections 996-53 and 996-54 of the "Revised Code of the Consolidated City and County," regarding the post-licensure inspection of public vehicles for hire and the removal of public vehicles for hire from service, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 996-53. Post-licensure inspection of vehicle.

At least two (2) ~~and not more than five (5)~~ times each year, on a schedule or at such unannounced times as determined by the controller, the controller shall inspect each licensed public vehicle for hire for compliance with the motor vehicle equipment requirements of IC 9-19 and Section 996-123.

Sec. 996-54. Removal from service.

If a licensed public vehicle for hire is inspected pursuant to section 996-53 and found not to comply with the motor vehicle requirements of IC 9-19 or Section 996-123, any monthly limousine or taxicab certificate shall be immediately removed from the vehicle and canceled. The controller shall thereafter reinspect the vehicle upon the request of the licensee.

SECTION 8. Section 996-64 of the "Revised Code of the Consolidated City and County," regarding the monthly limousine certificate, hereby is amended by the addition of the language which is underscored, to read as follows:

Sec. 996-64. Monthly limousine certificate.

(a) Each calendar month the controller shall issue a limousine certificate to the owner for each licensed limousine so long as such vehicle remains eligible for licensure. The certificate shall expire on the fifth day of the following month, unless sooner canceled by the controller. The certificate shall be placed on the licensed vehicle at a location specified by the controller. The certificate shall have a format and color prescribed by the controller, and shall contain the name of the licensee, the city license number of the limousine, the signature of the controller, and such additional information as the controller deems necessary.

(b) It shall be unlawful to own or operate a licensed limousine which does not bear a current limousine certificate. A person's first violation of this section in a twelve (12) month period shall be subject to the enforcement procedures provided in Chapter 103, Article III, of the Code, and each second and subsequent violation in a twelve (12) month period is subject to the enforcement procedures and penalties provided in Section 103-3 of the Code.

SECTION 9. Section 996-72 of the "Revised Code of the Consolidated City and County," regarding eligibility for taxicab licenses, hereby is amended by the addition of the language which is underscored, to read as follows:

Sec. 996-72. Eligibility.

To be eligible for a taxicab license, a public vehicle for hire must:

- (1) Meet the general licensure requirements for public vehicles for hire;
- (2) Be either:
 - a. Of the current or past six (6) model years; or
 - b. Beyond the past six (6) years but not more than ten (10) model years and inspected and approved annually by the City Garage and the controller as remaining fit for quality service both mechanically and aesthetically;
- (3) Be equipped with a certified taximeter;
- (4) Have a permanently affixed top light clearly identifying the vehicle as a taxicab;
- (5) Have a color scheme which is the same for all taxicabs owned by the same person, and which is either:
 - a. Not similar to that in use by any taxicab licensed to another licensee; or
 - b. Similar to that of a taxicab licensed to a licensee who has consented to such use of the color scheme; and
- (6) Have affixed to both sides and the rear of the vehicle the controller's license number for the taxicab in a format prescribed by the controller, designed to be readable by potential customers.

SECTION 10. Section 996-77 of the "Revised Code of the Consolidated City and County," regarding the monthly taxicab certificate, hereby is amended by the addition of the language which is underscored, to read as follows:

Sec. 996-77. Monthly taxicab certificate.

(a) Each calendar month the controller shall issue a taxicab certificate to the owner for each licensed taxicab so long as such vehicle remains eligible for licensure. The certificate shall expire on the fifth day of the following month, unless sooner canceled by the controller. The certificate shall be placed on the licensed vehicle at a location specified by the controller. The certificate shall have a format and color prescribed by the controller, and shall contain the name of the licensee, the city license number of the taxicab, the signature of the controller, and such additional information as the controller deems necessary.

(b) It shall be unlawful to own or operate a licensed taxicab which does not bear a current taxicab certificate. A person's first violation of this section in a twelve (12) month period shall be subject to the enforcement procedures provided in Chapter 103, Article III, of the Code, and each second and subsequent violation in a twelve (12) month period is subject to the enforcement procedures and penalties provided in Section 103-3 of the Code.

SECTION 11. Section 996-84 of the "Revised Code of the Consolidated City and County," regarding public vehicle for hire fare charges, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 996-84. Fare charges.

A fare schedule on file with the controller may be changed only upon ten (10) days written notice to the controller. With the exception of fares authorized under section 996-86(8), ~~and (9) and (10)~~, fares in the schedules may not be changed more than once each calendar quarter.

SECTION 12. Section 996-86 of the "Revised Code of the Consolidated City and County," regarding allowable taxicab fares, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 996-86. Allowable taxicab fares; manner of payment.

(a) Charges for taxicab service may include only the following charges:

- (1) A pick-up charge for trips resulting from a phone request;
- (2) A pick-up charge for trips not resulting from a phone request;
- (3) A mileage charge measured in one-fifth (1/5) mile;
- (4) A waiting charge;
- (5) An extra passenger charge;
- (6) An alternative hourly charge;
- (7) An alternative regional center fare for trips originating and ending within that portion of Central Indianapolis lying east of White River, south of 12th Street, west of I-65 and north of I-70;
- (8) An alternative Indianapolis 500 Mile Race fare, on the date such race is scheduled to be run and any scheduled postponement date; ~~and~~
- (9) An alternative Brickyard 400 Mile Race fare, on the date such race is scheduled to be run and any scheduled postponement date; and
- (10) An alternative United States Grand Prix at Indianapolis fare, on the date such race is scheduled to be run and any scheduled postponement date.

(b) Each operator shall be equipped and authorized to accept payment of the fare by credit card. It shall be unlawful for a licensee under this chapter to discourage a customer from paying by credit card, or to charge an additional amount for paying by credit card.

SECTION 13. Sections 996-87 and 996-88 of the "Revised Code of the Consolidated City and County," regarding maximum taxicab fares for 1994 and 1995, respectively, hereby are REPEALED.

SECTION 14. Sections 996-122 through 996-126 of the "Revised Code of the Consolidated City and County," regarding dispatching logs, maintenance of public vehicles for hire, the dress code for operators, discrimination, and the display of licenses and fare cards, respectively, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 996-122. Dispatching log.

~~Any licensee having a central dispatch office~~ Each owner or operator of a public vehicle for hire which is licensed under this chapter shall maintain, at that central dispatch office a location in the city, a

record of all ~~dispatches~~ customer service transactions including the date and time of the agreement to provide service, ~~and the time, date and location of pickup and to which the service is to be provided the~~ dates, times and locations where the customer is picked up and dropped off, the name of the operator, and the amount of the fare. Dispatching logs shall be retained for at least one (1) year by the ~~licensee owner or operator~~ and shall be open to inspection on demand by the controller and any ~~police law enforcement~~ agency having jurisdiction over the geographical area ~~of the office where the record is located.~~

Sec. 996-123. Maintenance.

(a) The exterior and interior of all vehicles in use as public vehicles for hire shall be kept well painted, maintained and reasonably free from dirt.

(b) It shall be unlawful to own or operate a public vehicle for hire which is not maintained as required by this section. A person's first violation of this section in a twelve (12) month period shall be subject to the enforcement procedures provided in Chapter 103, Article III, of the Code, and each second and subsequent violation in a twelve (12) month period is subject to the enforcement procedures and penalties provided in Section 103-3 of the Code.

Sec. 996-124. Dress code.

(a) A person operating a public vehicle for hire shall at a minimum:

- (1) Be clean and free of any body odor detectable to a reasonable passenger;
- (2) Have all visible head and facial hair neatly trimmed and combed or brushed;
- (3) Be dressed in clean and neat outer wear consisting of shoes and a collared shirt or blouse and slacks or skirt, or dress.

(b) No person operating a public vehicle for hire shall wear as outer wear thongs, sandals, shorts, trunks, collarless shirt, tank top, body shirt, see-through clothing, swim wear or sweat clothing.

(c) It shall be unlawful for a person whose condition or appearance does not comply with the requirements of this section to operate a public vehicle for hire. A person's first violation of this section in a twelve (12) month period shall be subject to the enforcement procedures provided in Chapter 103, Article III, of the Code, and each second and subsequent violation in a twelve (12) month period is subject to the enforcement procedures and penalties provided in Section 103-3 of the Code.

Sec. 996-125. ~~Discrimination~~ Failure to provide service; response time.

(a) It shall be unlawful for a licensee to refuse as a passenger an orderly person who applies to him for transportation within the city, unless the operator is providing service to another person, or unless the operator has made visual contact with the person and formed a belief that is reasonable under the circumstances that transporting such person might be unsafe for the operator.

(b) ~~No~~ It shall be unlawful for a licensee shall to refuse as a passenger any person who applies to him for transportation solely on any discriminatory the basis which violates federal or state law of race, sex, religion, color, national origin, ancestry, age, handicap, disabled veteran status, or Vietnam era veteran status.

(c) Within fifteen (15) minutes after a request for service is received by telephone or facsimile, a licensee shall answer the request by causing a public vehicle for hire to arrive at the requested location or by advising the person as to how long it will be before such vehicle will arrive. Failure to comply with this subsection shall constitute a violation of the Code.

Sec. 996-126. Display of licenses and fare schedules.

(a) Every public vehicle for hire shall display in plain view of passengers the public vehicle for hire license for that vehicle, the license for the operator of that vehicle and the fare schedule for that vehicle as filed with the controller.

(b) It shall be unlawful to own or operate a public vehicle for hire which does not display the licenses and fare schedule as required by this section. A person's first violation of this section in a twelve (12) month period shall be subject to the enforcement procedures provided in Chapter 103, Article III, of the Code, and each second and subsequent violation in a twelve (12) month period is subject to the enforcement procedures and penalties provided in Section 103-3 of the Code.

SECTION 15. Section 996-133 of the "Revised Code of the Consolidated City and County," regarding complaints about operators of public vehicle for hire, hereby is amended by the addition of the language which is underscored, to read as follows:

Sec. 996-133. Complaints.

(a) Any person knowing of the misconduct of any licensee under this article may present a complaint to any police officer of the city or to the controller. The controller shall investigate the complaint with the assistance of the Indianapolis Police Department or the Marion County Sheriff, if the controller deems such assistance necessary. The Indianapolis Police Department or the Marion County Sheriff shall file with the controller a report of the facts relating to such conduct. The controller shall then notify the licensee in writing that charges have been filed against him, setting a time for a hearing on such charges as provided in Chapter 801, Article IV, of the Code.

(b) If additional complaints or violations of this chapter are observed against a licensee within a twelve (12) month period and after a hearing by the controller found to have merit, the controller shall impose not less than a one (1) week suspension, and if determined to be beneficial by the controller, require the operator to successfully complete the forty (40) hour training program pursuant to Section 996-27 during the suspension.

SECTION 16. Article IX of Chapter 996 of the "Revised Code of the Consolidated City and County," regarding miscellaneous regulations, hereby is amended by the addition of a NEW Section 996-138, to read as follows:

Sec. 996-138. Limitations on operator's number of hours; operator's log.

(a) It shall be unlawful for a person to operate a public vehicle for hire in the city for a cumulative total of more than:

- (1) Twelve (12) hours in any period of twenty-four (24) consecutive hours; or,
- (2) Twenty (20) hours in any period of forty-eight (48) consecutive hours.

For purposes of this section, a person shall be deemed to be operating a public vehicle for hire at all times the vehicle is in service, and regardless of whether or not the vehicle is being driven.

(b) Each operator of a public vehicle for hire shall maintain at a location in the city, and on a form provided by the controller, a record of each day or portion of a day in which he or she operates a public vehicle for hire, including the operator's name and signature, the date, and the times when the vehicle was placed in service and taken out of service. Operator logs shall be retained for at least one (1) year by the operator or owner, and shall be open to inspection on demand by the controller and any law enforcement agency having jurisdiction over the geographical area where the record is located.

(c) A person's first violation of this section in a twelve (12) month period shall be subject to the enforcement procedures provided in Chapter 103, Article III, of the Code, and each second and subsequent violation in a twelve (12) month period is subject to the enforcement procedures and penalties provided in Section 103-3 of the Code.

SECTION 17. Section 103-52 of the "Revised Code of the Consolidated City and County," regarding civil penalties which may be paid through the ordinance violations bureau, hereby is amended by the addition of the language which is underscored, to read as follows:

Sec. 103-52. Schedule of Code provisions and penalties.

The following Code (or ordinance) provisions and their respective civil penalties are designated for enforcement through the ordinance violations bureau:

<i>Code Section</i>	<i>Subject Matter</i>	<i>Civil Penalty</i>
321-1	Swimming in unguarded waters - first offense in calendar year	50.00
361-108	Littering on premises of another	45.00
361-201	Vehicle losing its load - first offense in calendar year	50.00
391-302	Unlawful noise - first offense in calendar year	50.00
391-303	Noisy house - first offense in calendar year	50.00

407-103	Loitering - first offense in calendar year	50.00
431-108	Parking prohibited for street repairs and cleaning	12.50
431-314	Premises address violation - second offense in calendar year	25.00
431-602	Bicycles - second and subsequent violations regarding children under twelve	50.00
431-603	Unlawful operation of bicycle - first violation	50.00
441-108	Pedestrian violations	12.50
441-214	Parking when temporarily prohibited	12.50
441-318	Unlawful use of horn or sounding device	15.00
441-363	Unlawfully parked trailer	12.50
441-407	Display of unauthorized traffic controls	12.50
441-408	Interference with traffic control devices	12.50
441-503	Consumption or possession by operator of motor vehicle first offense in calendar year	50.00
441-504	Operating motor vehicle containing open alcoholic beverages first offense in calendar year	50.00
511-702	Open burning	50.00
531-102	Animal at large - first offense in twelve month period	50.00
611-403	Unlawful loading or unloading of private bus	12.50
611-501	Unlawful stopping of food vendor vehicle	12.50
611-502	Violation of noise restriction on food vendors	12.50
611-504	Failure of food vending vehicle to display required warnings	12.50
611-506	Unlawful vending from other than curb side of vending vehicle	12.50
621-106	Unlawful parking on sidewalk, in crosswalk, or adjacent yard	25.00
621-107	Unlawful parking in certain school areas	12.50
621-108	Unlawful manner of parking	12.50
621-109	No required lights on certain parked vehicles	12.50
621-110	Violation of handicapped parking restrictions	45.00
621-111	Unlawful parking in handicapped parking meter zone	45.00
621-112	Unloading perpendicular to curb without permit	12.50
621-113	Unlawful use of bus stops and taxicab stands	12.50
621-114	Unlawful use of passenger and loading zones	12.50
621-115	Unlawful parking adjacent to certain buildings	12.50
621-116	Unlawful parking for display for sale or advertising	12.50
621-117	Unlawful parking for more than six (6) hours	12.50
621-118	Unlawful parking of commercial vehicles at night	12.50
621-119	Unlawful parking in alleys or on certain narrow streets	12.50
621-120	Unlawful parking in designated special parking areas	12.50
621-121	Parking on certain streets where prohibited at all times	12.50
621-122	Stopping, standing or parking on streets where prohibited at all times	12.50
621-123	Parking on certain streets where prohibited at all times on certain days	12.50
621-124	Parking on certain streets when prohibited at certain times on certain days	12.50
621-125	Stopping, standing or parking during prohibited hours on certain days on certain streets. If between hours of 6:00 a.m.-9:00 a.m., 7:00 a.m.-9:00 a.m., 3:00 p.m.-6:00 p.m., 4:00 p.m.-6:00 p.m.	25.00
621-126	Parking longer than permitted on certain streets at certain times on certain days	12.50
621-203	Parking in excess of time permitted in parking meter zone	12.50
621-210	Parking in meter zone when temporarily prohibited	12.50
621-216	Overtime parking in metered parking space	12.50
621-306	Unlawful parking during snow emergency	25.00
621-404	Leaving taxicab unattended	12.50
621-405	Unlawful parking in certain mailbox zones	12.50
621-430(a)	Unlawful use of loading zone in Regional Center by non-eligible vehicle	25.00
621-430(b)	Unlawful use of loading zone in Regional Center - non-permitted use	25.00
621-430(c)	Unlawful use of loading zone in Regional Center in excess of posted time limits	25.00
621-430(d)	Unlawful obstructing traffic in the Regional Center	25.00
621-430(e)	Unlawful parking in alleys or on certain narrow streets in the Regional Center	25.00
621-501	Unlawful stopping, standing or parking near fire hydrant	45.00
621-502	Unlawful obstruction of fire lane	25.00
631-102	In park after hours-first offense in calendar year	50.00
631-109	Alcohol in park-first offense in calendar year	50.00
645-528	Skateboard or similar play device - first offense in calendar year	50.00
730-505	Civil zoning violations - first offense in calendar year	50.00
811-214	Alarm business failure to report monitoring information	100.00
811-311	First false alarm in calendar year after a year in which a warning was issued	25.00
811-311	Second false alarm in same calendar year as warning	25.00
811-311	Second false alarm in all other calendar years	50.00

811-311	Third false alarm in same calendar year as warning	50.00
811-311	Third false alarm in all other calendar years	75.00
811-311	Fourth false alarm in same calendar year as warning	75.00
811-311	Fourth false alarm in all other calendar years	100.00
Ch. 895	Horse-drawn carriage violation - first offense in twelve month period	100.00
Ch. 903	Pedal cab violation - first offense in twelve month period	100.00
<u>996-64</u>	<u>No monthly limousine certificate - first offense in twelve month period</u>	<u>25.00</u>
<u>996-77</u>	<u>No monthly taxicab certificate - first offense in twelve month period</u>	<u>25.00</u>
<u>996-123</u>	<u>Failure to maintain public vehicle for hire - first offense in twelve month period</u>	<u>25.00</u>
<u>996-124</u>	<u>Limousine or taxicab operator dress code violation - first offense in twelve month period</u>	<u>25.00</u>
<u>996-126</u>	<u>Failure to display licenses or fare schedule - first offense in twelve month period</u>	<u>25.00</u>
<u>996-138</u>	<u>Limousine or taxicab operator exceeding limitation on hours - first offense in twelve month period</u>	<u>25.00</u>

SECTION 18. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 19. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 20. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 342, 2002. Councillor Massie reported that the Rules and Public Policy Committee heard Proposal No. 342, 2002 on August 6, 2002. The proposal, sponsored by Councillor Langsford, approves the schedules of ordinance violations for the Town of Cumberland. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Massie moved, seconded by Councillor Langsford, for adoption. Proposal No. 342, 2002 was adopted on the following roll call vote; viz:

26 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, SerVaas, Short, Smith, Soards, Talley, Tilford
 0 NAYS:
 2 NOT VOTING: Sanders, Schneider
 1 ABSENT: Conley

Proposal No. 342, 2002 was retitled GENERAL RESOLUTION NO. 5, 2002, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 5, 2002

A PROPOSAL FOR A GENERAL RESOLUTION approving the schedules of ordinance violations for the Town of Cumberland, Indiana.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
 CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Pursuant to IC 33-6-3-2(d), the schedules of ordinance violations of the Town of Cumberland, Indiana, as adopted in Ordinance No. 2002-05 and Ordinance No. 2002-13 by the Town Council of Cumberland, copies of which ordinances are attached to the official copy of this resolution, are hereby approved.

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor McWhirter reported that Proposal Nos. 343, 375-377, and 382, 2002 were heard by the Administration and Finance Committee on August 6, 13, and 20, 2002. She said that parts of Proposal No. 343, 2002, Exhibit A, were heard by the Metropolitan Development, Parks and Recreation, Public Safety and Criminal Justice, and Public Works Committees. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 343, 2002. The proposal, sponsored by Councillor Borst, fixes the annual compensation of all elected officials and all appointed officers, deputies and employees of the Consolidated City and Marion County, and establishes budgetary procedures for amending compensation restrictions. PROPOSAL NO. 375, 2002. The proposal, sponsored by Councillors McWhirter and Nytes, approves a public purpose grant in the amount of \$35,000 to Indiana Reading and Information Services to provide radio reading programs for the blind and print disabled in Marion County. PROPOSAL NO. 376, 2002. The proposal, sponsored by Councillors McWhirter and Nytes, approves a public purpose grant in the amount of \$50,000 to Indiana University for the purpose of financing educational access programming on the educational access channels of the franchised cable systems in Marion County. PROPOSAL NO. 377, 2002. The proposal, sponsored by Councillors McWhirter and Nytes, approves a public purpose grant in the amount of \$150,000 to Indiana University for the purpose of purchasing playback equipment used in providing programming on the educational access channels of the franchised cable systems in Marion County. PROPOSAL NO. 382, 2002. The proposal, sponsored by Councillors Gray and Soards, determines the need to lease office space at 4460 Guion Road for the Reserves of the Sheriff's Department. By 7-0 votes, the Committee reported Proposal No. 343, 2002 to the Council with the recommendation that it do pass as amended, and Proposal Nos. 375-377 and 382, 2002 to the Council with the recommendation that they do pass. The Metropolitan Development, Parks and Recreation, Public Safety and Criminal Justice, and Public Works Committees, by votes of 5-1, 5-0, 7-0, and 6-0 respectively, also reported Proposal No. 343, 2002 to the Council with the recommendation that it do pass. Councillor McWhirter moved, seconded by Councillor Nytes, for adoption. Proposal No. 343, 2002, as amended, and Proposal Nos. 375-377 and 382, 2002 were adopted on the following roll call vote; viz:

24 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Knox, Massie, McWhirter, Moriarty Adams, Nytes, SerVaas, Short, Smith, Soards, Talley, Tilford

0 NAYS:

4 NOT VOTING: Horseman, Langsford, Sanders, Schneider

1 ABSENT: Conley

Proposal No. 343, 2002, as amended, was retitled GENERAL ORDINANCE NO. 73, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 73, 2002

A PROPOSAL FOR A GENERAL ORDINANCE fixing the annual compensation of all elected officials and all appointed officers, deputies and employees of the Consolidated City and Marion County, establishing budgetary procedures for amending compensation restrictions, and amending the Revised Code of the Consolidated City and County.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Revised Code of the Consolidated City and County be, and is hereby, revised by adding a new Chapter 192, to read as follows:

Chapter 192

COMPENSATION

ARTICLE I. COMPENSATION OF ELECTED OFFICIALS

Sec. 192-101. Compensation of the Mayor. The compensation of the mayor is fixed pursuant to IC 36-3-6-2 for calendar year 2002 and thereafter until modified in accordance with Article III of this Chapter, as:

- (1) an annual salary of Ninety-five Thousand Dollars (\$95,000.00),
- (2) a deferred compensation plan funded by contributions of Seven Thousand Five Hundred Dollars (\$7,500.00),
- (3) the use of an automobile,
- (4) an expense account for expenses incurred in the performance of the duties of the office, and
- (5) participation in other employee benefits on the same basis as other civilian employees of the city.

Sec. 192-102. Compensation of Councillors. The compensation of members of the City-County Council are fixed pursuant to IC 36-3-6-2 for the calendar year 2002 and thereafter until modified in accordance with Article III of this chapter, as:

(a) Each member of the city-county council shall receive an annual salary in an amount equal to twelve (12%) percent of the annual salary of the mayor as fixed in Sec. 192-101 of this code.

(b) Each member of the city-county council shall receive, in addition to the annual salary, a per diem allowance of One Hundred Twelve Dollars (\$112) for each regular council meeting attended, not to exceed twenty-one (21) in any calendar year, attendance to be determined solely on the basis of the roll call taken at the opening of each regular meeting.

(c) Each member of the city-county council, in addition to the annual salary and per diem for council meetings, shall receive a per diem of Sixty-two Dollars (\$62) for attendance at each meeting of a committee of which he is a member, not to exceed forty (40) meetings in any calendar year. The council may authorize the per diem fee to be paid to a member representing the council on a specific council assignment.

(d) In addition to the annual salary and per diem fees, the officers of the council shall receive the following additional compensation:

- (1) The president shall be paid an additional annual compensation of One Thousand Nine Hundred Eighty-two Dollars (\$1,982);
- (2) The vice president, majority leader and minority leader shall be paid an additional annual compensation of One Thousand Three Hundred Twenty Dollars (\$1,320);
- (3) The chairman of each standing committee for the president of each special service district council shall be paid an additional annual compensation of Seven Hundred Ninety-seven Dollars (\$797); and
- (4) The chairman of each special committee shall be paid an additional monthly compensation of Sixty-six Dollars (\$66) for each calendar month during which the committee meets.

No member shall be entitled to but one additional compensation as provided in this paragraph (d). The right to each such additional compensation shall be established by the council rules and resolutions providing for the organization of the council or the establishment of the special committee.

(e) Members of the city-county council, as part-time employees, may participate in employee benefit programs on the same basis as other elected and part-time employees of the City of Indianapolis.

Sec. 192-103. Compensation of County Elected Officers. The compensation of the various county elected officers are fixed pursuant to IC 36-3-6-2 for the calendar year 2002 and thereafter until modified in accordance with Article III of this Chapter, as:

(b) Effective January 1, 2002, the annual compensation of the elected county officers for the calendar year 2002 and thereafter until modified shall be as follows:

- (1) An annual salary of:

a. County assessor	\$63,750.00
b. County auditor	68,000.00
c. County clerk	68,000.00
d. County coroner	34,950.00
e. County recorder	63,750.00
f. County surveyor	52,439.00
g. County treasurer	68,000.00
h. Center Township assessor	63,750.00
i. Decatur Township assessor	53,360.00
j. Franklin Township assessor	53,360.00
k. Lawrence Township assessor	59,027.00
l. Perry Township assessor	59,027.00
m. Pike Township assessor	59,027.00
n. Warren Township assessor	59,027.00
o. Washington Township assessor	62,805.00
p. Wayne Township assessor	62,805.00
- (2) And a deferred compensation plan funded by contributions equaling eight (8) percent of the officer's annual salary.
- (3) The county assessor, county auditor and county treasurer, as ex-officio county commissioners, in addition to other compensation may be provided the use of an automobile.
- (4) The salary for the county sheriff shall be fifty-one thousand three hundred twelve dollars (\$51,312.00), which shall be increased to one hundred one thousand three hundred twelve dollars (\$101,312.00) per annum if the sheriff has entered into a salary contract pursuant to either an applicable ordinance or IC 36-2-13-2.5
- (5) All elected county officers shall be entitled to participate in other employee benefits on the same basis as other county employees.

Sec. 192-104. Compensation of Judges and Prosecuting Attorney. The salaries of the judges of the circuit and superior courts are established by statute and paid by the state, provided that pursuant to IC 36-3-6-3(c), the council may appropriate the amounts necessary to increase the salary of each such judge and prosecuting attorney by the sum of five thousand dollars (\$5,000.00) per year.

ARTICLE II. COMPENSATION OF CITY AND COUNTY EMPLOYEES

Sec. 192-201. In General. The compensation for all city and county employees shall be fixed pursuant to IC 36-3-6-3 for each department, office and agency by adopting fiscal ordinances in accordance with Article III of this Chapter.

Sec. 192-202. City employees compensation. For the year 2002 and thereafter until modified in accordance with Article III of this chapter, the compensation of all employees of the city are fixed and limited as follows:

- (1) total compensation paid by any department, office or agency shall not exceed the amounts appropriated for "personal services" in the respective amended annual budgets for the year 2002,
- (2) the number of employees of any department, office or agency shall not exceed the number of full time equivalents set for in Exhibit A attached to this ordinance, and
- (3) no salary shall exceed that determined for such position in accordance with the "Classification System" attached as Exhibit B to this ordinance. Provided, however, that the "Classification System" approved as part of the Annual Budget for 2002 for a Special Services District shall apply to employees of the respective Special Services District.

Sec. 192-203. County employees compensation. For the year 2002 and thereafter until modified in accordance with Article III of this Chapter, the compensation of all employees of the county are fixed and limited as follows:

- (1) total compensation paid by any department, office or agency shall not exceed the amounts appropriated for "personal services" in the respective amended annual budgets for the year 2002, and

- (2) no salary shall exceed that determined in accordance with the provisions of Sec. 291-703(b) of this Code.

Sec. 192-204. Exceptions. The salaries of officers of courts and deputy prosecuting attorneys whose minimum salaries are fixed by statute shall not be subject to the classification system but shall be subject to appropriations made for "personal services" made for the department or office from which such salaries are paid.

ARTICLE III. PROCEDURES FOR SETTING COMPENSATION

Sec. 192-301. Application of Article. This article applies to any department, office or agency of the city and county.

Sec. 192-302. Annual Budget. For the calendar year 2003 budgets and thereafter, for each item appropriating funds for payment for "personal services", the item shall specify the total appropriation, including fringe benefits, the number of employees authorized expressed in terms of full time equivalents, and the "salary classification schedule" under which the compensation of each employee shall be determined.

Sec. 192-303. Modification of Full Time Equivalents. The number of full time equivalents authorized for any department, office or agency may not be increased absent approval by the city-county council in an ordinance which may be a fiscal ordinance making an additional appropriation.

Sec. 192-304. Modification of Salary Classification Schedule. The salary classification schedule may be modified by adoption of a fiscal ordinance and such change may be included in an ordinance making additional appropriations.

SECTION 2. Sec. 201-5 of the Revised Code of the Consolidated City and County be and is hereby repealed.

SECTION 3. Article V of Chapter 281 (Sec. 281-501 through Sec. 281-502) and Sec. 291-703 of the "Revised Code of the Consolidated City and County" be, and is hereby, repealed effective January 1, 2003.

SECTION 4. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

EXHIBIT A

Department	Division	Position Type	2002 Proposed
Exec. & Legislative	Mayor's Office	Bi-weekly position FTE	16.00
Exec. & Legislative	Internal Audit	Bi-weekly position FTE	9.00
Exec. & Legislative	City County Council	Bi-weekly position FTE	11.00
Exec. & Legislative	Office of Corporation Counsel	Bi-weekly position FTE	53.00
Exec. & Legislative	Office of Corporation Counsel	Part time position FTE	0.63
Exec. & Legislative	Office of the City Controller	Bi-weekly position FTE	37.00
Exec. & Legislative	Office of the City Controller	Seasonal staff FTE	0.50
Exec. & Legislative	Purchasing Division	Bi-weekly position FTE	19.00
Exec. & Legislative	Cable Communications Agency	Bi-weekly position FTE	9.00
Exec. & Legislative	Cable Communications Agency	Part time position FTE	0.50
Exec. & Legislative Total			155.63
Administration	Administrative Services Division	Bi-weekly position FTE	16.00
Administration	Administrative Services Division	Seasonal staff FTE	0.25
Administration	Human Resources Division	Bi-weekly position FTE	22.00
Administration	Human Resources Division	Part time position FTE	0.70
Administration	Equal Opportunity Division	Bi-weekly position FTE	7.00
Administration	Indianapolis Fleet Services Division	Bi-weekly position FTE	20.00

Department	Division	Position Type	2002 Proposed
Administration	Indianapolis Fleet Services Division	Seasonal staff FTE	.20
Administration	Indianapolis Fleet Services Division	Union position FTE	67.00
Administration Total			133.15
Metropolitan Development	Division of Administrative Services	Bi-weekly position FTE	13.00
Metropolitan Development	Division of Administrative Services	Seasonal staff FTE	0.25
Metropolitan Development	Community Dev. & Financial Serv.	Bi-weekly position FTE	27.00
Metropolitan Development	Community Dev. & Financial Serv.	Seasonal staff FTE	0.27
Metropolitan Development	Division of Planning	Bi-weekly position FTE	43.00
Metropolitan Development	Division of Planning	Seasonal staff FTE	1.25
Metropolitan Development	Neighborhood Services	Bi-weekly position FTE	37.00
Metropolitan Development	Historic Preservation	Bi-weekly position FTE	5.00
Metropolitan Development	Historic Preservation	Seasonal staff FTE	0.25
Metropolitan Development	Division of Permits	Bi-weekly position FTE	109.00
Metropolitan Development	Division of Permits	Seasonal staff FTE	0.50
Metropolitan Development Total			236.52
Public Works	Policy and Planning Division	Bi-weekly position FTE	118.00
Public Works	Policy and Planning Division	Seasonal staff FTE	3.25
Public Works	Engineering Division	Bi-weekly position FTE	62.00
Public Works	Operations Division	Bi-weekly position FTE	79.00
Public Works	Operations Division	Union position FTE	339.00
Public Works	Operations Division	Part time position FTE	0.50
Public Works	Operations Division	Seasonal staff FTE	4.00
Public Works Total			605.75
Public Safety	Public Safety Administration	Bi-weekly position FTE	10.00
Public Safety	Public Safety Administration	Seasonal staff FTE	0.25
Public Safety	Emergency Management Planning	Bi-weekly position FTE	7.00
Public Safety	Weights & Measures	Bi-weekly position FTE	7.00
Public Safety	Police	Bi-weekly position FTE	292.42
Public Safety	Police	Part Time position FTE	5.92
Public Safety	Police	School Crossing Guard position FTE	15.36
Public Safety	Fire	Bi-weekly position FTE	67.00
Public Safety	Animal Control	Bi-weekly position FTE	17.00
Public Safety	Animal Control	Part time position FTE	0.77
Public Safety	Animal Control	Union position FTE	35.00
Public Safety Total			457.72

Department	Division	Position Type	2002 Proposed
Parks & Recreation		Bi-weekly position FTE	168.00
Parks & Recreation		Part time position FTE	26.69
Parks & Recreation		Seasonal staff FTE	147.59
Parks & Recreation		Union position FTE	88.00
Parks & Recreation Total			430.28
Grand Total			2,019.05

EXHIBIT B

CITY OF INDIANAPOLIS SALARY GRADE SCALE AS OF JANUARY 1, 2002					
Grade	Minimum	1 st Quarter	Midpoint	3 rd Quarter	Maximum
9	\$49,283	\$61,605	\$73,925	\$86,247	\$98,567
8	\$42,175	\$52,720	\$63,263	\$73,807	\$84,350
7	\$36,089	\$45,122	\$54,133	\$63,155	\$72,177
6	\$31,172	\$38,965	\$46,759	\$54,551	\$62,344
5	\$26,916	\$33,645	\$40,374	\$47,102	\$53,831
4	\$23,021	\$28,776	\$34,532	\$40,287	\$46,042
3	\$19,688	\$24,610	\$29,533	\$34,455	\$39,376
2	\$16,836	\$21,046	\$25,255	\$29,464	\$33,673
1	\$14,397	\$17,996	\$21,595	\$25,195	\$28,794

Proposal No. 375, 2002 was retitled SPECIAL RESOLUTION NO. 55, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 55, 2002

A SPECIAL RESOLUTION approving a public purpose grant to Indiana Reading and Information Services (IRIS), a division of Metropolitan Indianapolis Public Broadcasting, Inc., in the amount of \$35,000 for the purpose of providing radio reading programs for the blind and print-disabled in Marion County, Indiana.

WHEREAS, the Cable Franchise Board for the City of Indianapolis and Marion County proposes to authorize a public purpose grant in the amount of \$35,000 to IRIS to provide radio reading programs for the blind and print-disabled in Marion County, Indiana, (the Grant); and

WHEREAS, Section 181-703 of the Code of the Indianapolis and Marion County, Indiana, requires that all public purpose grants shall be subject to appropriation by the City-County Council, and the Grant was appropriated by City-County Fiscal Ordinance No. 95, 2001 Annual Budget and Tax Levies for the Consolidated City of Indianapolis and for Marion County, Indiana; and

WHEREAS, Section 4.01(c) of City-County Fiscal Ordinance No. 95, 2001, Annual Budget and Tax Levies for the Consolidated City of Indianapolis and for Marion County, Indiana, requires that sums appropriated therein for public purpose grants shall not be spent until the City-County Council of the City of Indianapolis and of Marion County, Indiana, approves the amount and identity of the recipient of each grant; and

WHEREAS, the Council now finds that the Grant should be approved; now, therefore:

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. The Grant in the amount of \$35,000 to Indiana Reading and Information Services, a division of Metropolitan Indianapolis Public Broadcasting, Inc., is hereby approved. No grant funds shall

be used in whole or in part to fund any program which endorses a political candidate or which attempts to promote or influence legislation.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 376, 2002 was retitled SPECIAL RESOLUTION NO. 56, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 56, 2002

A SPECIAL RESOLUTION approving of a public purpose grant in the amount of \$50,000.00 to Indiana University for the purpose of financing educational access programming on the educational access channels of the franchised cable systems in Marion County, Indiana.

WHEREAS, the City-County Council for the City of Indianapolis and Marion County proposes to authorize a public purpose grant in the amount of \$50,000 to Indiana University for the purpose of financing educational access programming over the educational access channels of the two franchise cable television systems within Marion County, Indiana, (the Grant); and

WHEREAS, Section 181-703 of the Code of the Indianapolis and Marion County, Indiana, requires that all public purpose grants shall be subject to appropriation by the City-County Council, and the Grant was appropriated by City-County Fiscal Ordinance No. 95, 2001 Annual Budget and Tax Levies for the Consolidated City of Indianapolis and for Marion County, Indiana; and

WHEREAS, Section 4.01(c) of City-County Fiscal Ordinance No. 95, 2001, Annual Budget and Tax Levies for the Consolidated City of Indianapolis and for Marion County, Indiana, requires that sums appropriated therein for public purpose grants shall not be spent until the City-County Council of the City of Indianapolis and of Marion County, Indiana, approves the amount and identity of the recipient of each grant; and

WHEREAS, the Council now finds that the Grant should be approved; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Grant in the amount of \$50,000 to Indiana University is hereby approved. No grant funds shall be used in whole or in part to fund any program which endorses a political candidate or which attempts to promote or influence legislation.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 377, 2002 was retitled SPECIAL RESOLUTION NO. 57, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 57, 2002

A SPECIAL RESOLUTION approving a public purpose grant to Indiana University in the amount of \$150,000.00 for the purpose of enabling the Educational Television Cooperative (ETC) to purchase equipment for the expansion of the ETC playback site that provides programming on the educational access channels of the franchised cable systems in Marion County, Indiana.

WHEREAS, both of the cable television operators holding nonexclusive franchises to provide cable services within the Consolidated City (City) are required by the terms of their franchise agreements to contribute certain amounts to provide for the capital costs of Public, Educational, or Governmental Access Facilities (PEG Facilities); and

WHEREAS, the Office of the City Controller holds such amounts in the Cable Franchise PEG Grants Fund (Fund), and the Indianapolis-Marion County Cable Franchise Board (Board) recommends Fund expenditures, which are authorized by the City-County Council (Council) as public purpose grants; and

WHEREAS, on May 20, 2002, the Board approved Indiana University's request for \$150,000.00 from the Fund to purchase equipment to be used by Indiana University, in cooperation with the Educational Television Cooperative (ETC), a voluntary consortium of area school districts, colleges, and universities, to facilitate playback of programming on the educational access channels of the franchised cable systems in Marion County, Indiana; and

WHEREAS, pursuant to the Board's recommendation, the Council proposes to authorize a public purpose grant in the amount of \$150,000.00 to Indiana University for the purpose of purchasing equipment to be used to automate playback of programming on the educational access channels of the franchised cable systems in Marion County, Indiana (the Grant); and

WHEREAS, Section 181-703 of the Code of Indianapolis and Marion County, Indiana, requires that all public purpose grants shall be subject to appropriation by the Council; and

WHEREAS, the Council now finds that the Grant should be approved; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Grant in the amount of \$150,000.00 to Indiana University for the purpose of purchasing equipment to be used to automate playback of programming on the educational access channels of the franchised cable systems in Marion County, Indiana, is hereby approved. A list of the equipment authorized for purchase will be kept in the City-County Council's permanent files and available for public inspection.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 382, 2002 was retitled SPECIAL RESOLUTION NO. 58, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 58, 2002

A SPECIAL RESOLUTION determining the need to lease approximately 1,802 square feet of office space at 4460 Guion Road for the Reserves of the Marion County Sheriff's Department.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council, pursuant to IC 36-1-10-7, has investigated the conditions requiring the subject lease and hereby determines the lease of space for the use of the Reserves of the Marion County Sheriff's Department is necessary.

SECTION 2. The property to be leased totals approximately 1,802 square feet, and is located at 4460 Guion road in Indianapolis, and is owned by the Y.W.C.A of Indianapolis.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Coughenour reported that the Public Works Committee heard Proposal Nos. 344-353 and 383-390, 2002 on August 8, 2002. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 344, 2002. The proposal, sponsored by Councillor Langsford, authorizes intersection controls for Alice Avenue and Peach Tree Lane; and at Alice Avenue and Strawberry Lane (District 13). PROPOSAL NO. 345, 2002. The proposal, sponsored by Councillor Brents, authorizes intersection controls for Crystal Drive and Halifax Drive (District 16). PROPOSAL NO. 346, 2002. The proposal, sponsored by Councillor Brents, authorizes a multi-way stop at 12th Street and Brooks Street (District 16). PROPOSAL NO. 347, 2002. The proposal, sponsored by Councillor McWhirter, authorizes the removal of the multi-way stop at 11th Street and Eleanor Street (District 18). PROPOSAL NO. 348, 2002. The proposal, sponsored by

Councillor Soards, authorizes the removal of the multi-way stop at Hunters Green Place and Hunters Green Way (District 1). PROPOSAL NO. 349, 2002. The proposal, sponsored by Councillor Soards, authorizes parking restrictions on Gateway Drive between Glen Arm Road and High School Road; and on Westhaven Drive between Glen Arm Road and High School Road (District 1). PROPOSAL NO. 350, 2002. The proposal, sponsored by Councillor Coughenour, authorizes a change in parking restrictions on Rural Street between Carson Avenue and Hanna Avenue (District 24). PROPOSAL NO. 351, 2002. The proposal, sponsored by Councillor Brents, authorizes a change in parking restrictions on Limestone Street between New York Street and Michigan Street (District 16). PROPOSAL NO. 352, 2002. The proposal, sponsored by Councillor Brents, authorizes a change in parking restrictions on East Street between Georgia Street and Pearl Street (District 16). PROPOSAL NO. 353, 2002. The proposal, sponsored by Councillor Short, authorizes a weight limit restriction on Hamilton Avenue between English Avenue and Southeastern Avenue (District 21). PROPOSAL NO. 383, 2002. The proposal, sponsored by Councillor Knox, authorizes a multi-way stop at Howard Street and Reisner Street (District 17). PROPOSAL NO. 384, 2002. The proposal, sponsored by Councillor McWhirter, authorizes a multi-way stop at Louise Avenue and Pinecrest Road (District 18). PROPOSAL NO. 385, 2002. The proposal, sponsored by Councillor Nytes, authorizes a multi-way stop at 17th Street, Coyner Avenue, and Tacoma Avenue (District 22). PROPOSAL NO. 386, 2002. The proposal, sponsored by Councillor Nytes, authorizes a multi-way stop at 20th Street and Alabama Street (District 22). PROPOSAL NO. 387, 2002. The proposal, sponsored by Councillor Gray, authorizes intersection controls at Guion Lakes Drive, Guion Lakes Terrace, and Lakefield Drive; at Guion Lakes Drive, Lakefield Court, and Lakefield Trace; and at Guion Lakes Drive and 59th Street (District 9). PROPOSAL NO. 388, 2002. The proposal, sponsored by Councillor Brents, authorizes a multi-way stop at 20th Street and Centennial Street (District 16). PROPOSAL NO. 389, 2002. The proposal, sponsored by Councillor Brents, authorizes a change in parking restrictions on the east side of Virginia Avenue between Lexington Avenue and South Street (District 16). PROPOSAL NO. 390, 2002. The proposal, sponsored by Councillor Brents, authorizes parking restrictions on the east side of Capital Avenue from New York Street to Vermont Street (District 16). By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Coughenour moved, seconded by Councillor Nytes, for adoption. Proposal Nos. 344-353 and 383-390, 2002 were adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Tilford

0 NAYS:

1 NOT VOTING: Talley

1 ABSENT: Conley

Proposal No. 344, 2002 was retitled GENERAL ORDINANCE NO. 74, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 74, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
27	Alice Av Peach Tree Lane	Alice Av WB Peach Tree Lane NB	Stop
27	Alice Av Strawberry Lane	Alice Av	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 345, 2002 was retitled GENERAL ORDINANCE NO. 75, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 75, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
17	Crystal Dr Halifax Dr	Halifax Dr	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 346, 2002 was retitled GENERAL ORDINANCE NO. 76, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 76, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
24	12 th St Brooks St	12 th St	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
24	12 th St Brooks St	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 347, 2002 was retitled GENERAL ORDINANCE NO. 77, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 77, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
22	11 th St Eleanor St	None	All Way Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
22	11 th St Eleanor St	Eleanor St	Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 348, 2002 was retitled GENERAL ORDINANCE NO. 78, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 78, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
8	Hunters Green Place Hunters Green Way	None	All Way Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
8	Hunters Green Place Hunters Green Way	Hunters Green Way	Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 349, 2002 was retitled GENERAL ORDINANCE NO. 79, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 79, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

Gateway Drive, on both sides, from Glen Arm Road to High School Road

Glen Arm Road, on both sides, from a point 310 feet south of Westhaven Drive, to Gateway Drive

Westhaven Drive, on both sides, from Glen Arm Road to High School Road

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 350, 2002 was retitled GENERAL ORDINANCE NO. 80, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 80, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

Rural Street, on the east side, from Carson Avenue to Hanna Avenue

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 351, 2002 was retitled GENERAL ORDINANCE NO. 81, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 81, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the deletion of the following, to wit:

Limestone Street, on both sides, from Michigan Street to New York Street

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

Limestone Street, on the east side, from New York Street, to a point
115 feet north of Porto Alegre Street

Limestone Street, on the east side, from a point 465 feet north of Porto Alegre Street,
to Michigan Street

Limestone Street, on the west side, from New York Street to Michigan Street

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 352, 2002 was retitled GENERAL ORDINANCE NO. 82, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 82, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets; Sec. 621-125, Stopping, standing and parking prohibited at designated locations on certain days and hours; and Sec. 621-202, Parking meter zones designated.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be and the same is hereby amended by the deletion of the following, to wit:

East Street, on the east side, from Ohio Street to South Street

East Street, on the west side, from Steven Street to South Street

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-125, Stopping, standing and parking prohibited at designated locations on certain days and hours, be and the same is hereby amended by the deletion of the following, to wit:

ON ANY DAY EXCEPT SATURDAYS AND SUNDAYS
From 4:00 p.m. to 6:00 p.m.

East Street, on the west side, from Washington Street to South Street

SECTION 3. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be and the same is hereby amended by the addition of the following, to wit:

East Street, on the east side, from South Street to a point 35 feet north of Georgia Street

East Street, on the east side, from a point 410 feet south of Pearl Street to Ohio Street

SECTION 4. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-125, Stopping, standing and parking prohibited at designated locations on certain days and hours, be and the same is hereby amended by the addition of the following, to wit:

August 26, 2002

ON ANY DAY EXCEPT SATURDAYS AND SUNDAYS

From 6:00 a.m. to 9:00 a.m.

From 3:00 p.m. to 6:00 p.m.

*East Street, on the east side, from a point 35 feet north of Georgia Street,
to a point 295 feet north of Georgia Street*

SECTION 5. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-202, Parking meter zones designated, be and the same is hereby amended by the addition of the following, to wit:

ONE HOUR

*East Street, on the east side, from a point 35 feet north of Georgia Street,
to a point 295 feet north of Georgia Street*

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 353, 2002 was retitled GENERAL ORDINANCE NO. 83, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 83, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-364, Trucks on certain streets restricted.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-364, Trucks on certain streets restricted, be and the same is hereby amended by the addition of the following, to wit:

11,000 POUNDS

Hamilton Avenue, from English Avenue to Southeastern Avenue

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 383, 2002 was retitled GENERAL ORDINANCE NO. 84, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 84, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
31, pg. 4	Howard St Reisner St	Howard St	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
31, pg. 4	Howard St Reisner St	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 384, 2002 was retitled GENERAL ORDINANCE NO. 85, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 85, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
15, pg. 5	Louise Ave Pinecrest Rd	Pinecrest Rd	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
15, pg. 5	Louise Ave Pinecrest Rd	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 385, 2002 was retitled GENERAL ORDINANCE NO. 86, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 86, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25, pg. 8	Coyner Ave Tacoma Ave	Coyner Ave	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25, pg. 8	Coyner Ave Tacoma Ave 17 th St	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 386, 2002 was retitled GENERAL ORDINANCE NO. 87, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 87, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25	20 th St Alabama St	Alabama St	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25	20 th St Alabama St	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 387, 2002 was retitled GENERAL ORDINANCE NO. 88, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 88, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
9, pg. 3	Guion Lakes Dr 59 th St	None	None
9, pg. 3	Guion Lakes Dr Guion Lakes Ter Lakefield Dr	Unknown	Unknown
9, pg. 3	Guion Lakes Dr Lakefield Ct Lakefield Trace	Guion Lakes Dr	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
9, pg. 3	Guion Lakes Dr 59 th St	59 th St	Stop
9, pg. 3	Guion Lakes Dr Guion Lakes Ter Lakefield Dr	None	All Way Stop
9, pg. 3	Guion Lakes Dr Lakefield Ct Lakefield Trace	Lakefield Ct Lakefield Trace	Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 388, 2002 was retitled GENERAL ORDINANCE NO. 89, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 89, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
24, pg. 4	Centennial St 20 th St	20 th St	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
24, pg. 4	Centennial St 20 th St	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 389, 2002 was retitled GENERAL ORDINANCE NO. 90, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 90, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets; and Sec. 621-125, Stopping, standing and parking prohibited at designated locations on certain days and hours.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-125, Stopping, standing and parking prohibited at designated locations on certain days and hours, be and the same is hereby amended by the deletion of the following, to wit:

NO STOPPING, STANDING, OR PARKING EXCEPT SATURDAY AND SUNDAY
From 7:00 a.m. to 9:00 a.m.

Virginia Avenue, on the north side, from South Street to Calvary Street

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be and the same is hereby amended by the addition of the following, to wit:

NO STOPPING, STANDING, OR PARKING ANYTIME
TOW-IN ZONE

Virginia Avenue, on the north side, from a point 125 south of South Street to South Street

SECTION 3. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-125, Stopping, standing and parking prohibited at designated locations on certain days and hours, be and the same is hereby amended by the addition of the following, to wit:

NO STOPPING, STANDING, OR PARKING EXCEPT SATURDAY AND SUNDAY
From 7:00 a.m. to 9:00 a.m.

Virginia Avenue, on the north side, from Calvary Street to a point 125 feet south of South Street

SECTION 4. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 390, 2002 was retitled GENERAL ORDINANCE NO. 91, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 91, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-124, Parking prohibited during specified hours on certain days.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-124, Parking prohibited during specified hours on certain days, be and the same is hereby amended by the addition of the following, to wit:

ON ANY DAY EXCEPT SATURDAYS, SUNDAYS, AND HOLIDAYS
From 6:00 a.m. to 9:00 a.m.

Capitol Avenue, on the east side, from New York Street to Vermont Street

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

NEW BUSINESS

PROPOSAL NO. 423, 2002. The proposal, sponsored by Councillors Boyd, Moriarty Adams, Sanders, Horseman, Gibson, Conley, and Short, offers apology to all citizens and guests to our city for the disparaging characterizations made by two Council members.

Councillor Talley said that he asked earlier that Councillors Dowden and Massie be prohibited from voting on Proposal Nos. 423 and 424, 2002. President SerVaas said that he will allow these Councillors to vote as their conscience dictates. Councillor Talley moved, seconded by Councillor Gibson, to prohibit Councillors Dowden and Massie from voting on these proposals.

Councillor Schneider said that there are no names mentioned in Proposal No. 423, 2002, and in reading the proposal, he does not understand why Councillors Dowden or Massie would not be allowed to vote. President SerVaas said that he agrees with Councillor Schneider and he believes they should be allowed to vote and has already denied Councillor Talley's request.

Councillor Borst said that he has never heard such a motion before and he is not sure it is even in order to restrict elected Council members from voting on certain issues. President SerVaas said that he has already ruled this motion out of order. Councillor Talley said that he would like to appeal the ruling of the chair.

Councillor Boyd said that as the primary sponsor of Proposal No. 423, 2002, he is willing to let whoever wishes to vote, vote. He said that there are no specific names mentioned in this proposal and he believes this matter of voting should be addressed with regards to Proposal No. 424, 2002.

Mr. Elrod said that some Council members are trying to rule on something that is not yet at issue. He said that once a vote is taken, then a Council member can make an objection to an individual participating in the vote, and the objection can be ruled on at that time.

Councillor Boyd read Proposal No. 423, 2002 and moved, seconded by Councillor Sanders, for adoption.

Councillor Massie said that he is in favor of the proposal and as the author of this press release, he takes full responsibility for comments made. From the moment he realized that the terms he used in his letter were used as racial slurs, he began apologizing. He said that he would never want his name to be associated in the public media with that which he personally finds despicable. He said that he recognizes that motives and explanations are no good in a situation where people have been hurt, angered, and confused. He said that he wishes to re-issue his apology to this Council and to the community for using terms, however innocently intended, that were taken in a negative racial way. He said the only intent of his press release was to affirm police officers.

Councillor Dowden said that while he appreciates Councillor Massie's willingness to take all responsibility for the poor choice of words, he bears the blame with him as he also heard the letter and agreed to put his name on it. He said that he and Councillor Massie have made public apologies and regret their words being taken in a context other than intended.

Proposal No. 423, 2002 was adopted on the following roll call vote; viz:

28 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford

0 NAYS:

1 ABSENT: Conley

Proposal No. 423, 2002 was retitled COUNCIL RESOLUTION NO. 76, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 76, 2002

A COUNCIL RESOLUTION by the Indianapolis City-County Council offering apology to all citizens and guests to our city for the disparaging characterizations made by two Council members.

WHEREAS, the Indianapolis-Marion County City-County Council is the elected legislative body representing all the citizens of this great community; and

WHEREAS, as such, there is the reasonable expectation that this legislative body reflect the aspirations, values and attitudes of the citizens it represents; and

WHEREAS, the August 10, 2002 edition of "The Indianapolis Star" referenced comments made by two Councillors in which a portion of our population of citizens, as well as some visitors and guests, were referred to and characterized as "gorillas and thugs", a characterization that does not at all reflect the temperament and attitudes of mainstream Indianapolis; and

WHEREAS, responsible leadership requires that rather than spending time trying to determine and explain motives, the Council should go on record now as not condoning attitudes that might be represented by comments made by the two Councillors; and

WHEREAS, by passage of this resolution the Council and Councillors recognize their roles as conciliators and peacemakers rather than agitators and antagonists; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council resolves that by passage of this resolution the Indianapolis City-County Council offers its apology to all citizens and guests to our city for the disparaging characterizations made by two of our number.

SECTION 2. Be it further resolved that the City-County Council reaffirms its commitment to diversity and inclusiveness and to providing the kind of atmosphere and environment that celebrates and promotes individual identity and dignity.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 424, 2002. The proposal, sponsored by Councillors Talley, Black, Boyd, Brents, Conley, Douglas, Gibson, Gray, Horseman, Knox, Nytes, Sanders, and Short, is a council resolution of censure.

Councillor Talley read the proposal and reminded President SerVaas that he agreed earlier in the meeting to allow public testimony on this proposal. He said that the majority of the members of the minority caucus agreed to be co-sponsors on this proposal, but he said that both Councillor Moriarty Adams and Councillor Knox have asked to be excluded as co-sponsors. Councillor Talley said that while Councillor Massie has publicly apologized, it does not nullify consequences for his actions. He said that to this day Councillor Dowden has not apologized, but

rather just spoke about his misfortunate choice of words. Councillor Talley moved, seconded by Councillor Sanders, for adoption.

Councillor Coughenour said that the proposal just passed encouraged the Council to be conciliators and peacemakers rather than antagonists. She said that while two Council members may have done something that was ill-advised, it is still a country of free speech. She said that no actual rules of the Council have been broken as with the previous censure which has been referenced this evening, where a Rule of the Council was broken. She said that since these two individuals have apologized publicly to those they wronged and sent letters of apology as well, she does not understand why their apologies cannot be accepted. She moved, seconded by Councillor Schneider, to strike Proposal No. 424, 2002.

Councillor Talley reminded President SerVaas that he agreed to allow public testimony. President SerVaas said that while this proposal does not fall under Public Hearing, because the Committee process was circumvented, he will allow two individuals to provide public input. Councillor Gibson said that many members have stayed to testify and it is not fair to only allow two to speak.

Councillor Moriarty Adams said that it is unfortunate that the words of two colleagues have led the rest of the Council to vote on a resolution of censure tonight. She said that in a rush for political advantage, these colleagues transferred focus away from the issue at hand onto themselves by a tactless, insensitive poor choice of words. In an effort to right the wrong, an apology has been given. The redemptive value in this apology was best demonstrated in its acceptance by the Reverend Charles Williams, president of Indiana Black Expo. She said that she believes the apology was sincerely given, and she hopes that future comment and action by these two colleagues will demonstrate an understanding and appreciation for racial diversity. Therefore, she will not be voting to censure this evening.

Councillor Knox said that coming from a large family and being called just about every name he can imagine, he has learned the value of forgiveness when a person says they are sorry. He said that accepting an apology and offering forgiveness is what God teaches. He said that there are those walking around claiming to be Christians and even ordained ministers who refuse to accept an apology or offer forgiveness. He said, however, that he does accept the apology offered by Councillors Massie and Dowden and he will not vote for censure.

Councillor Black said that this country may have free speech, but he has been the recipient of some free speech that was simply inhumane and ignorant. He said that he does accept Councillor Massie's apology and believes it was sincere. However, he said that Councillor Dowden has never apologized. He said that he is tired of racial slurs and insults to human beings being excused by free speech.

Councillor Sanders said that earlier in the evening, the people in attendance were told they would be allowed to speak, and they have stayed this long and should be allowed to speak. She added that it is laudable that Councillor Massie has genuinely apologized, but behavior does not change without consequences.

Councillor Horseman said that she has no doubt Councillor Massie is apologetic and was even surprised to see his name attached to such name-calling. However, she said that this incident illustrates that Councillors need to educate themselves. She said that to say one apology to one individual is sufficient is not adequate, as the community is made up of many individuals. She

said that to say that they did not know that to call a black person a gorilla shows a lack of knowledge, and Councillors need to educate themselves.

Councillor Gibson said that he felt Councillor Massie's apology was sincere and also believes in his heart that Councillor Dowden is sorry, as well, even though he may not have communicated it as well as he should have. He said that the comments also condemned certain leaders for holding a town hall meeting, implying that it was wrong to accept public input. He said that it is wrong for any member of this body to condemn public input.

President SerVaas said that he will allow each individual who wishes to speak two minutes to share their thoughts this evening.

Reverend Reginald Jones said that he has been involved in efforts to ease racial tension under three previous mayors and he has given much of his time as a citizen to raise awareness and understanding. He said that while he would forgive both Councillors Massie and Dowden if they offered a personal apology, he cannot accept them being chairman of such important committees making decisions for this community. He said that he will campaign against re-election of these two Councillors, and there will be "thugs and gorillas" following their every move and insuring that they do not continue in this capacity and they have not begun to see the reality of "gorillas."

Councillor Massie said that he would like to take the opportunity to apologize directly to Rev. Jones and will take every opportunity to prove that he is sincere by future actions and words. Rev. Jones said that he accepts the apology on behalf of all "gorillas and thugs" and will relay this apology. Councillor Massie said that this statement was not addressed to individuals speaking at that meeting, and he hopes in the spirit of reconciliation something good can come out of this. Rev. Jones asked if Councillor Dowden is also willing to apologize. Councillor Dowden said that he has many times apologized and continues to regret the use of these terms that were misconstrued.

John McKillip, Chatham Arch resident, said that it is not just the minority community that were offended by these Councillors' comments. He said that while he feels censure is appropriate, he believes these Councillors should resign.

Elder Lionel Rush said he is offended by the blatant disregard of some of the members of this Council to exonerate out of hand the statements made without being black or knowing his culture. He said that it is easy to accept an apology when one is not the individual who was offended. He said that he is a theologian and a pastor and believes in forgiveness, but also believes there are consequences to actions. He said he expected these types of remarks from Councillor Dowden, and these words encourage the spirit that black people do not count and they are not quite human.

Theo Muhammed, citizen, said that Councillor Massie is the same person who put together the bill to get the community of Islam off the street. He said that these two Councillors should resign because they do not have a clue. He said that he does not accept their apology, because lip service means nothing to him. He added that there is zero tolerance for thieves and drug addicts, but not against the leaders of this City, and he cannot trust these individuals with his babies.

Willie Frank Middlebrook, citizen and local talk show host, said that he does not believe these apologies are sincere and the apologies are simply convenient at the time. He said that he is also offended about the way this body squelches thought using the excuse of political process. He said that this body seems to be accepting of derogatory comments toward minority individuals. He said that he believes censure is appropriate, but even more appropriate would be dismissal.

Don Miles, taxpayer, said that he loves Indianapolis and wants to encourage leaders to be less narrow-minded, as the citizens of this City should not be considered gorillas and thugs. He said that narrow-mindedness will keep dollars from being invested in this City.

State Representative William Crawford, chairman of the Board of the Indiana Black Expo, said that his board has not given him permission as to whether he should or should not accept these apologies. However, the Expo brings law-abiding people into this community to spend dollars and they are abused by this community. He said that these conventions are treated differently and his organization is considering filing suit. He said that they are discriminated against by many leaders in the City, and he supports censure in order to send a strong message that racism will not be tolerated.

Councillor Talley read a letter supporting censure from Russell Lloyd, Republican mayor of the City of Evansville, Indiana.

Councillor Coughenour withdrew her motion to strike Proposal No. 424, 2002, as a majority vote opposing the proposal will serve the same purpose.

The motion to adopt Proposal No. 424, 2002 failed on the following roll call vote; viz:

11 YEAS: Black, Boyd, Brents, Douglas, Gibson, Gray, Horseman, Nytes, Sanders, Short, Talley

15 NAYS: Bainbridge, Borst, Bradford, Cockrum, Coonrod, Coughenour, Knox, Langsford, McWhirter, Moriarty Adams, Schneider, SerVaas, Smith, Soards, Tilford

2 NOT VOTING: Dowden, Massie

1 ABSENT: Conley

Councillor Boyd said that he voted against the censure against former Councillor Cory O'Dell because he felt it was fairly non-substantive. He added that at that time he had asked the President to appoint a standing committee to review criteria for censure, and although he offered a resolution and it was accepted in Council, no action was ever taken. He said that as the body again finds themselves in this situation, he hopes that action will be taken soon.

Councillor Cockrum read a letter from the city clerk of the City of Scarborough, Canada, which informed the City of a resolution passed by their Council congratulating Indianapolis for their victory and hospitality during the vote.

Councillor Short said that the World Basketball Championships will be held for the first time in the United States here in Indianapolis beginning on Wednesday, September 8, 2002. He encouraged Councillors and public to attend.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Knox in memory of Daniel Joseph Fugate, James Melvin Payne, and Kenneth L. Pittman; and
- (2) Councillor Horseman in memory of Charles Fleetwood; and
- (3) Councillor Cockrum in memory of Gene Haflich; and
- (4) Councillor Langsford in memory of Sherry Langsford Peak and Sue M. Langsford Gehrich.

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Daniel Joseph Fugate, James Melvin Payne, Kenneth L. Pittman, Charles Fleetwood, Gene Haflich, Sherry Langsford Peak, and Sue M. Langsford Gehrich. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 10:05 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 26th day of August, 2002.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.



President

ATTEST:



Clerk of the Council

(SEAL)

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, SEPTEMBER 16, 2002**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:14 p.m. on Monday, September 16, 2002, with President SerVaas presiding.

Councillor Nytes led the opening prayer and invited all present to join her in the Pledge of Allegiance to the Flag.

ROLL CALL

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

29 PRESENT: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford

A quorum of twenty-nine members being present, the President called the meeting to order.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, September 16, 2002, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Beurt SerVaas
President, City-County Council

September 10, 2002

TO PRESIDENT SERVAAS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, September 13, 2002, a copy of a Legal Notice of General Ordinance No. 72, 2002.

Respectfully,
s/Suellen Hart
Clerk of the City-County Council

September 6, 2002

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Suellen Hart, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 91, 2002 - approves an appropriation of \$105,300 in the 2002 Budget of the Department of Parks and Recreation (Federal Grants Fund) to serve 40,000 - 45,000 lunches to needy children at 24 sites in Indianapolis (Summer Lunch Program), financed by a U.S. Department of Agriculture grant

GENERAL ORDINANCE NO. 72, 2002 - amends various sections of Chapter 996 of the Revised Code regarding the regulations of the taxicab and limousine industries by the City

GENERAL ORDINANCE NO. 73, 2002 - fixes the annual compensation of all elected officials and all appointed officers, deputies and employees of the Consolidated City and Marion County, and establishes budgetary procedures for amending compensation restrictions

GENERAL ORDINANCE NO. 74, 2002 - authorizes intersection controls for Alice Avenue and Peach Tree Lane; and at Alice Avenue and Strawberry Lane (District 13)

GENERAL ORDINANCE NO. 75, 2002 - authorizes intersection controls for Crystal Drive and Halifax Drive (District 16)

GENERAL ORDINANCE NO. 76, 2002 - authorizes a multi-way stop at 12th Street and Brooks Street (District 16)

GENERAL ORDINANCE NO. 77, 2002 - authorizes the removal of the multi-way stop at 11th Street and Eleanor Street (District 18)

GENERAL ORDINANCE NO. 78, 2002 - authorizes the removal of the multi-way stop at Hunters Green Place and Hunters Green Way (District 1)

GENERAL ORDINANCE NO. 79, 2002 - authorizes parking restrictions on Gateway Drive between Glen Arm Road and High School Road; and on Westhaven Drive between Glen Arm Road and High School Road (District 1)

GENERAL ORDINANCE NO. 80, 2002 - authorizes a change in parking restrictions on Rural Street between Carson Avenue and Hanna Avenue (District 24)

GENERAL ORDINANCE NO. 81, 2002 - authorizes a change in parking restrictions on Limestone Street between New York Street and Michigan Street (District 16)

GENERAL ORDINANCE NO. 82, 2002 - authorizes a change in parking restrictions on East Street between Georgia Street and Pearl Street (District 16)

GENERAL ORDINANCE NO. 83, 2002 - authorizes a weight limit restriction on Hamilton Avenue between English Avenue and Southeastern Avenue (District 21)

GENERAL ORDINANCE NO. 84, 2002 - authorizes a multi-way stop at Howard Street and Reisner Street (District 17)

GENERAL ORDINANCE NO. 85, 2002 - authorizes a multi-way stop at Louise Avenue and Pinecrest Road (District 18)

GENERAL ORDINANCE NO. 86, 2002 - authorizes a multi-way stop at 17th Street, Coyner Avenue, and Tacoma Avenue (District 22)

GENERAL ORDINANCE NO. 87, 2002 - authorizes a multi-way stop at 20th Street and Alabama Street (District 22)

GENERAL ORDINANCE NO. 88, 2002 - authorizes intersection controls at Guion Lakes Drive, Guion Lakes Terrace, and Lakefield Drive; at Guion Lakes Drive, Lakefield Court, and Lakefield Trace; and at Guion Lakes Drive and 59th Street (District 9)

GENERAL ORDINANCE NO. 89, 2002 - authorizes a multi-way stop at 20th Street and Centennial Street (District 16)

GENERAL ORDINANCE NO. 90, 2002 - authorizes a change in parking restrictions on the east side of Virginia Avenue between Lexington Avenue and South Street (District 16)

GENERAL ORDINANCE NO. 91, 2002 - authorizes parking restrictions on the east side of Capital Avenue from New York Street to Vermont Street (District 16)

GENERAL RESOLUTION NO. 5, 2002 - approves the schedules of ordinance violations for the Town of Cumberland

SPECIAL RESOLUTION NO. 52, 2002 - welcomes Colt's Coach Tony Dungy to Indianapolis

SPECIAL RESOLUTION NO. 53, 2002 - recognizes the Sixth Quadrennial International Violin Competition of Indianapolis, September 6-22, 2002

SPECIAL RESOLUTION NO. 54, 2002 - recognizes the community commitment of Dano's Contracting, LLC

SPECIAL RESOLUTION NO. 55, 2002 - approves a public purpose grant in the amount of \$35,000 to Indiana Reading and Information Services to provide radio reading programs for the blind and print disabled in Marion County

SPECIAL RESOLUTION NO. 56, 2002 - approves a public purpose grant in the amount of \$50,000 to Indiana University for the purpose of financing educational access programming on the educational access channels of the franchised cable systems in Marion County

SPECIAL RESOLUTION NO. 57, 2002 - approves a public purpose grant in the amount of \$150,000 to Indiana University for the purpose of purchasing playback equipment used in providing programming on the educational access channels of the franchised cable systems in Marion County

SPECIAL RESOLUTION NO. 58, 2002 - determines the need to lease office space at 4460 Guion Road for the Reserves of the Sheriff's Department

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed.

Councillor Smith made the following motion:

Mr. President:

Pursuant to Council Rules (Code Sec. 151-75), I move that Proposal No. 439, 2002, be introduced and placed on the agenda for final adoption at this meeting.

Councillor Talley seconded the motion and the Council Rules were suspended on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, SerVaas, Short, Smith, Soards, Talley, Tilford

0 NAYS:

2 NOT VOTING: Coughenour, Schneider

PROPOSAL NO. 439, 2002. The proposal, sponsored by Councillors Smith, Black, Boyd, Bradford, Conley, Horseman, and Schneider, concerns the adult entertainment business (02-AO-01). Councillor Smith read the proposal and moved, seconded by Councillor Bradford, for adoption.

Councillor Bradford thanked Scott Chinn, Corporation Counsel, and his office for bringing this proposal forward swiftly and strengthening this ordinance.

Councillor Talley said it is his understanding that this ordinance is County-wide, and he asked if this is correct. President SerVaas said that this is correct, but the intent to locate such businesses in the Downtown area prompted the proposal.

General Counsel Robert Elrod said that he has available two large volumes of the report of the American Center of Law and Justice on the secondary impact of adult-oriented businesses for any Council member who wishes to do additional research on this proposal.

Proposal No. 439, 2002 was adopted on the following roll call vote; viz:

28 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford
0 NAYS:
1 NOT VOTING: Gray

Proposal No. 439, 2002 was retitled GENERAL ORDINANCE NO. 92, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 92, 2002

PROPOSAL FOR A GENERAL ORDINANCE to amend Sec. 732-216 of the Revised Code concerning the adult entertainment business.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Sections 732-216 and 732-217 of the "Revised Code of the Consolidated City and County" hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 732-216. Special regulations, adult entertainment business.

Statement of purpose. ~~In the development and adoption of this chapter, it is recognized that there are some adult business uses which due to their very nature have serious objectionable operational characteristics particularly when located in close proximity to residential neighborhoods, thereby have a deleterious impact upon property values and the quality of life in such surrounding areas. It has been acknowledged by communities across the nation that state and local governmental entities have a special concern in regulating the operation of such businesses under their jurisdiction to ensure that these adverse secondary effects will not contribute to the blighting or downgrading of adjacent neighborhoods nor endanger the well being of the youth in their communities. The special regulation deemed necessary to control the undesirable externalities arising from these enterprises are set forth below. The primary purpose of these controls and regulations is to preserve the integrity and character of residential neighborhoods, to deter the spread of urban blight and to protect minors from the objectionable operational characteristics of these adult uses by restricting their close proximity to churches, parks, schools and residential areas. It is the purpose of this chapter to regulate Adult Entertainment Businesses and related activities, to promote the health, safety, morals, and general welfare of the citizens of Marion County, and to establish reasonable and uniform provisions to prevent the deleterious effects of Adult Entertainment Businesses within Marion County. The provisions of this chapter have neither the purpose~~

nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Further, it is not the intent nor effect of this chapter to condone or legitimize the distribution of obscene materials. It is not the intent nor effect of this chapter to limit or restrict the lawful activities permitted under Indiana Code 7.1.

Findings. Based on evidence concerning the adverse secondary effects of Adult Entertainment Businesses on the community presented in hearing(s) and in reports made available to the City-County Council, and on findings incorporated in the cases of City of Renton v. Playtime Theatres, Inc., 475U.S.41 (1986), Young v. American Mini Theatres, 426U.S.50 (1976), Barnes v. Glen Theatre, Inc., 501U.S.560 (1991), Arcara v. Cloud Books, Inc., 478U.S.697 (1986), California v. LaRue, 409U.S.109 (1972), Iacobucci v. City of Newport, KY, 479U.S.92 (1986), United States v. O'Brien, 391U.S.367 (1968), City of Erie v. Pap's A.M., 120 S.Ct. 1382 (2000), City of Los Angeles v. Alameda Books, Inc., 122 S.Ct. 1728 (2002), Broadway Books, Inc. v. Roberts, 642 F.Supp. 486 (E.D. Tenn. 1986), DLS, Inc. v. City of Chattanooga, 107F.3d403 (6thCir. 1997), Pleasureland Museum, Inc. v. Beutter, 2002 WL 818791 (7th Cir. 2002), Kev, Inc. v. Kitsap County, 793F.2d1053 (9thCir. 1986), Hang On, Inc. v. City of Arlington, 65F.2d1248 (5thCir. 1995), South Florida Free Beaches, Inc. v. City of Miami, 734F.2d608 (11thCir. 1984), and Mitchell et al v. Commission on Adult Entertainment Establishments of the State of Delaware et al, 10F.3d123 (3rdCir. 1993), Ellwest Stereo Theatre, Inc. v. Boner, 718 F.Supp. 1553 (M.D. Tenn. 1989), City of Lincoln Nebraska v. ABC Books, Inc., 470 N.W.2d 760 (Neb. 1991), Berg v. Health & Hosp. Corp. of Marion County, 865 F.2d 797 (7th Cir. 1989), Shultz v. Cumberland, 228 F.3d 831 (7th Cir. 2000), as well as studies conducted in communities including, but not limited to Indianapolis, Indiana; Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; findings reported in the Final Report of the Attorney General's Commission on Pornography (1986), the Report of the Attorney General's Working Group On the Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota); and statistics of the U.S.Department of Health and Human Services, Centers for Disease Control and Prevention, the City-County Council finds:

- (1) Adult Entertainment Businesses lend themselves to ancillary unlawful and unhealthy activities that are presently insufficiently controlled by the operators of the establishments.
- (2) Crime statistics show that all types of crimes, especially sex-related crimes, occur with more frequency in neighborhoods where Adult Entertainment Businesses are located.
- (3) Sexual acts, including masturbation, oral sex and anal sex, occur at Adult Entertainment Businesses, especially those which provide booths or cubicles for viewing films, videos, or live sex shows.
- (4) Acts of prostitution commonly occur at Adult Entertainment Businesses.
- (5) Persons frequent certain adult theaters and other Adult Entertainment Businesses for the purpose of engaging in sex within the premises.
- (6) At least 50 communicable diseases may be spread by activities that occur in Adult Entertainment Businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, salmonella infections and shigella infections.
- (7) Prostitution, sexual assaults and other criminal activity occur at Adult Entertainment Businesses.
- (8) Prostitution is connected to the spread of sexually transmitted diseases.
- (9) Adult Entertainment Businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.
- (10) The general welfare, health, morals and safety of the citizens of the City will be promoted by the enactment of this chapter.

(a) Prohibitions. The establishment, enlargement, reconstruction, resumption or structural alteration of any adult entertainment business shall be prohibited if such business is within five hundred (500) feet of another ~~two (2) other~~ such businesses or within five hundred (500) feet of any existing church, church zoning district, public, private or parochial school for kindergarten through twelfth grade.

school zoning district, park, park zoning district, locally designated historic preservation area established by, and under the jurisdiction of, the Indianapolis Historic Preservation Commission, day care center, day care home ~~historic preservation zoning district~~ or any existing dwelling zoning district within Marion County, Indiana.

Provided further, that no adult entertainment business shall be established, enlarged, reconstructed, resumed or structurally altered unless the site or proposed site is located in a C-4 (Community-Regional Commercial) Zoning District, C-5 (General Commercial) Zoning District, C-6 (Thoroughfare Service) Zoning District, C-7 (High Intensity Commercial) Zoning District or C-ID (Commercial-Industrial) Zoning District.

Provided further, that no adult entertainment business shall be established, enlarged, reconstructed, resumed or structurally altered in a C-4 (Community-Regional Commercial) Zoning District unless the site or proposed site is located within an integrated center.

(b) *Measurement of distances.* The distance between one (1) adult entertainment business and another adult entertainment business shall be measured in a straight line, ~~with~~ without regard to intervening structures or objects, from the closest exterior structural wall of each such business. The distance between an adult entertainment business and any church, church zoning district, public, private or parochial school for kindergarten through twelfth grade, school zoning district, park, park zoning district, locally designated historic preservation area established by, and under the jurisdiction of, the Indianapolis Historic Preservation Commission, day care center, day care home or dwelling zoning district shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of the adult entertainment business to the nearest property line of the church, church zoning district, public, private or parochial school for kindergarten through twelfth grade, school zoning district, park, park zoning district, locally designated historic preservation area established by, and under the jurisdiction of, the Indianapolis Historic Preservation Commission, day care center, day care home or dwelling zoning district. If an adult entertainment business is part of or included within an integrated center, only the portion of such center or leased space occupied by such adult entertainment business shall be included in determining the closest exterior structural wall of such establishment.

(c) *Exterior display.*

- (1) No adult entertainment establishment shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decorations, sign, show window or other opening from any public view.
- (2) Number of signs. Not more than one (1) business wall sign shall be permitted for an adult entertainment business and such sign shall be permitted only on the front facade. In addition to the one (1) permitted business wall sign, an adult entertainment business not located within an integrated center shall be permitted not more than one (1) pole or ground sign structure if it is an entity of commercial development held in either private ownership or long-term lease, and which meets all of the requirements of the zoning district in which it is located. Such requirements shall include direct access to a public street from that property and a full amount of required parking on the site with the use. All other sign structures shall be prohibited.
- (3) Sign surface area. The sign surface areas of a business wall sign for an adult entertainment business shall not exceed an amount equal to five (5) percent of the front building facade of the first floor elevation (first ten (10) feet) of the premises occupied by the adult entertainment business, or one hundred (100) square feet, whichever is the lesser. The maximum sign surface area of a ground or pole sign structure, where permitted, shall not exceed one (1) square foot for each lineal foot of frontage of the lot, or thirty-six (36) square feet, whichever is the lesser.
- (4) Lighting. Signs and sign structures may be illuminated, provided, however, such illumination shall not be by way of exposed neon, exterior lighting (e.g., spot or floodlights), or any flashing or animated lights (either interior to the sign, on the exterior of the sign, or as a border to the sign).

(d) *Parking.* Parking for an adult entertainment business shall be provided on the site with the use. There shall be at least one (1) parking space for each two hundred eighty-five (285) square feet of floor area or one (1) parking space for every two (2) seats of seating capacity, whichever standard results in the higher requirement.

(e) *Continuation of nonconforming use.* The lawful use of land or buildings existing at the times of the adoption of this chapter may continue although such use does not conform to the regulations specified herein, subject to the provisions set forth in subsection (a) above.

Sec. 732-217. Construction of language and definitions.

(a) *Construction of language.* The language of this article shall be interpreted in accordance with the following regulations:

- (1) The particular shall control the general.
- (2) In the case of any difference of meaning or implication between the text of this article and any illustration or diagram, the text shall control.
- (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (4) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (5) A "building" or "structure" includes any part thereof.
- (6) The phrase "used for," includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- (7) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either . . . or" the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either . . . or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

(b) *Definitions.* The words in the text or illustrations of this chapter shall be interpreted in accordance with the following definitions. The illustrations and diagrams in this section provide graphic representation of the concept of a definition; the illustration or diagram is not to be construed or interpreted as a definition itself.

Access. The way by which vehicles shall have ingress to and egress from a land parcel or property and the street fronting along such property or parcel.

Access drive. That area within the right-of-way between the pavement edge or curb and the right-of-way line providing ingress and egress to and from a land parcel or property (see Diagram A).

Accessory. A subordinate structure, building or use that is customarily associated with, and is appropriately and clearly incidental and subordinate in use, size, bulk, area and height to the primary structure, building, and use, and is located on the same lot as the primary building, structure, or use.

Administrator. Administrator of the division of ~~neighborhood and development services~~ planning of the department of metropolitan development or his/her appointed representative.

Adult bookstore. An establishment having ~~as a preponderance~~ at least twenty-five percent (25%) of its:

- (1) Retail floor space used for the display of adult products; or
- (2) sStock in trade consisting of adult products; or
- (3) ~~its dollar volume in trade;~~ Weekly revenue derived from adult products.

For purposes of this definition, the phrase *adult products* means books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other

forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. For purposes of this definition, the phrase *adult products* also means a device designed or marketed as useful primarily for the stimulation of human genital organs, or for sadomasochistic use or abuse. Such devices shall include, but are not limited to, phallic shaped vibrators, dildos, muzzles, whips, chains, bather restraints, racks, non-medical enema kits, body piercing implements (excluding earrings or other decorative jewelry) or other tools of sado-masochistic abuse.

Adult cabaret. A nightclub, bar, theatre, restaurant or similar establishment which frequently features live performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas or which regularly feature films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons.

Adult drive-in theatre. An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions, and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats in which a preponderance of the total presentation time is devoted to the showing of materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

Adult entertainment business. An adult bookstore, adult motion picture theatre, adult mini motion picture theatre, adult motion picture arcade, adult cabaret, adult drive-in theatre, adult live entertainment arcade or adult services establishment.

Adult live entertainment arcade. Any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to view from an enclosed or screened area or booth a series of live dance routines, strip performances or other gyrational choreography, which performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure to specified anatomical areas.

Adult mini motion picture theatre. An enclosed building with a capacity of more than five (5) but less than fifty (50) persons, used for presenting films, motion pictures, video cassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to the showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult motel. A hotel, motel or similar establishment offering public accommodations for any form of consideration which provides patrons, upon request, with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult motion picture arcade. Any place to which the public is permitted or invited wherein coin- or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

Adult motion picture theatre. An enclosed building with a capacity of fifty (50) or more persons used for presenting films, motion pictures, video cassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult service establishment. Any building, premises, structure or other facility, or part thereof, under common ownership or control which provides a preponderance of services involving specified sexual activities or display of specified anatomical areas.

Alley. Any public right-of-way which has been dedicated or deeded to and accepted by the public for public use as a secondary means of public access to a lot(s) otherwise abutting upon a public street and not intended for traffic other than public services and circulation to and from such lot(s).

Alteration. Any change in type of occupancy, or any change, addition or modification in construction of the structural members of an existing structure, such as walls, or partitions, columns, beams or girders, as well as any change in doors or windows or any enlargement to or diminution of a structure, whether it be horizontally or vertically.

Amusement arcade. A type of indoor commercial amusement/recreation establishment where more than four (4) amusement machines are available to the public.

Amusement machine. An amusement device operated by means of the insertion of a coin, token, or similar object for the purpose of entertainment, amusement or skill and for the playing of which a fee is charged. "Amusement machine" does not include vending machines which do not incorporate gaming amusement or skill features, nor does the term include any coin-operated mechanical musical device.

Amusement/recreational establishment, commercial. See (indoor/outdoor) commercial amusement/recreational establishment.

Assisted living facility. A residential facility that provides a combination of housing, social activity, supportive services, personalized assistance, and health care, designed to foster independent living, yet respond to the individual needs of those who need help with activities of daily living (ADL - For purposes of this definition this means such activities as walking, eating, dressing, bathing, toileting, and transfer between, or in and out of a chair or bed) and instrumental activities of daily living (IADL - For purposes of this definition this means activities such as doing laundry, cleaning of living areas, meal preparation, engaging in recreational or leisure activities, taking medications properly, managing money and conducting business affairs, using public transportation, writing letters, or using the telephone). Supportive services are available twenty-four (24) hours a day to meet scheduled and unscheduled needs of residents. Such facilities are not licensed as a nursing home. Facilities have single- or double-occupancy living units which contain most dwelling unit features, such as lockable units, a food preparation area, and a full bathroom facility.

Attached multifamily dwelling. See dwelling, attached multifamily.

Automated teller machine (ATM). A mechanized apparatus which performs limited banking functions for customers such as deposits, withdrawals and transfers of funds upon insertion of a customer identification card, password, or similar device.

Awning. A roof-like cover, often of fabric, metal, plastic, fiberglass or glass, designed and intended for protection from the weather or as a decorative embellishment, and which is supported and projects from a wall or roof of a structure over a window, walk, door, or the like.

Basement. That portion of a building with an interior vertical height clearance of not less than seventy-eight (78) inches and having one-half or more of its interior vertical height clearance below grade level.

Bed and breakfast. The commercial leasing of no more than four (4) bedrooms(s) for no more than eight (8) guest(s) within a private dwelling unit. Such leasing provides temporary accommodations, typically including a morning meal, to overnight guests for a fee.

Boarding house. A building, other than hotels, motels, bed and breakfasts or multifamily dwelling, containing accommodation facilities in common for up to ten (10) persons where lodging, typically with meals, reserved solely for the occupants thereof, is provided for a fee.

Buildable area. The area of a lot remaining after the minimum yard and open space requirements of the applicable zoning ordinance(s) have been met (see Diagram B).

Building. Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having a permanent roof supported by columns or walls.

Building area. The total ground area, within the lot or project, covered by the primary structure plus garages, carports and other accessory buildings. The ground area of a structure, or portion thereof, not provided with surrounding exterior walls shall be the area immediately under the vertical projection of the roof or the floor above (see Diagram B).

Canopy. A roof-like cover, often of fabric, metal, plastic, fiberglass, or glass on a support, which is supported in total or in part from the ground, providing shelter over, for example, a doorway, outside walk or parking area.

Collector street. See street, collector.

Commercial garage. See garage, commercial.

Commission. The Metropolitan Development Commission of Marion County, Indiana.

Commitment. An official agreement concerning and running with the land as recorded in the office of the Marion County Recorder.

Community center. A building used for recreational, social, educational and cultural activities of a neighborhood or community.

Comprehensive plan. The Comprehensive Plan for Marion County, Indiana, or segment thereof, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to IC 36-7-4.

Condition. An official agreement between the municipality and the petitioner concerning the use or development of the land as imposed by the Board of Zoning Appeals.

Convenience market. A retail establishment selling a limited number of food items, such as sandwiches, snacks, staple groceries, household items, lottery tickets and food items prepared on the premises, including reheating, which can be immediately consumed. Such establishments may also provide a facility where gasoline and other motor fuels are stored and subsequently dispensed by use of fixed, approved dispensing equipment by customers of the establishment on a self-service basis.

Corner lot. See lot, corner.

Covenant. A legal agreement concerning the use of land.

Crown of the street. The highest point, most often at the center line, of a street cross-section of the street pavement between the existing curb lines.

Cul-de-sac. See street, cul-de-sac.

Curb cut. The opening along the curb line, exclusive of handicap ramps, at which point vehicles may enter or leave the street (see Diagram A).

Curb line. A line located on either edge of the pavement, but within the right-of-way line (see Diagram A).

Customer service window. Opening on the exterior of a building through which customers receive goods or services in exchange for monetary compensation.

Dance studio. An establishment primarily engaged in operating and providing training, instruction, and demonstrations or recitals in various forms of dance to individuals or groups.

Day care center. Any institution or place operated for the purpose of providing:

- (1) Care;
- (2) Maintenance; or
- (3) Supervision and instruction;

to children who are less than six (6) years old and are separated from their parent(s), guardian, or custodian for more than four (4) hours but less than twenty-four (24) hours a day for ten (10) or more consecutive workdays, where tuition, fees or other forms of compensation are charged, and which is licensed by, and approved to operate as a day care center in accordance with the requirements of the State of Indiana. This definition shall not include a "day care home" of children.

Day care home. Defined in IC 12-3-2-3 as follows: A residential structure where an individual provides child care:

- (1) For compensation;

- (2) For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding holidays; and
- (3) To more than five (5) children at a time who:
 - a. Are less than eleven (11) years of age; and
 - b. Are not attended by:
 1. A parent;
 2. A stepparent;
 3. A guardian;
 4. A custodian; or
 5. A relative who is at least eighteen (18) years of age.

Day nursery. Same as day care center.

Display, outdoor. An outdoor area where merchandise is displayed for sale, and which is freely accessible to the public except that automobile retail sales areas shall be considered outdoor display areas whether freely accessible or not. Outdoor display may be the principal use of a lot or may be accessory to a commercial use (as allowed by the zoning district) when the sales transactions occur within a structure.

Dripline. The perimeter of a tree's spread measured to the outermost tips of the branches and extending downward to the ground.

Drive-in. A business establishment so developed that its retail or service character is dependant on providing a driveway approach or parking spaces for motor vehicles to service patrons while in or on the motor vehicle, rather than within a building.

Drive-through. A feature of an establishment which encourages or permits customers to receive services or obtain goods while remaining in or on a motor vehicle.

Drive-through customer window. See customer service window.

Drive-through restaurant. See restaurant, drive-through.

Driveway. Access for vehicular movement to egress/ingress between the right-of-way of private or public streets and the required building setback line (see Diagram A).

Dry cleaning plant. A facility in which the cleaning of garments, fabrics, draperies, etc., is performed with a liquid other than water. The plant is generally not visited by individual customers, but rather by individual dry cleaning dropoff establishments.

Dwelling, attached multifamily. A building or buildings for residential purposes with three (3) or more dwelling units, having common or party wall or walls, on a single lot. Each unit is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common or individual stairwell(s) exterior to any dwelling unit(s).

Dwelling unit. One (1) or more rooms connected together in a residential building or residential portion of a building, which are arranged, designed, used and intended for use by one (1) or more human beings living together as a family and maintaining a common household for owner occupancy or rental or lease on a weekly, monthly, or longer basis; and which includes lawful cooking, eating, sleeping space and sanitary facilities reserved solely for the occupants thereof.

Educational services. An establishment providing academic or technical instruction or primarily engaged in offering educational courses and services, including libraries, student exchange programs and curriculum development.

Enlargement (pertaining to adult entertainment only). An increase in the size of the building, structure or premises in which the adult entertainment business is conducted by either construction or use

of an adjacent building or any portion thereof whether located on the same or an adjacent lot or parcel of land.

Erect. Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, or any other way of bringing into being or establishing.

Establishing an adult entertainment business. Shall mean and include any of the following:

- (1) The opening or commencement of any such business as a new business;
- (2) The conversion of an existing business, whether or not an adult entertainment business, to any of the adult entertainment businesses defined herein;
- (3) The relocation of any such business.

Excavation. The breaking of ground, except common household gardening, ground care and agricultural activity.

Family. One (1) or more human beings related by blood, marriage, adoption, or guardianship together with incidental domestic servants and temporary noncompensating guests; or not more than four (4) human beings not so related, occupying a dwelling unit and living as a single housekeeping unit.

Fast food restaurant. See restaurant, fast food.

Floor area, gross. The number of the square feet of horizontal floor area of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) abutting buildings.

Front lot line. See lot line, front.

Front yard. See yard, front.

Frontage (street frontage). The line of contact of a property with the street right-of-way along a lot line which allows unobstructed, direct access to the property.

Garage, commercial. Any building designed and intended for the storage or repair of motor vehicles for compensation.

Gasoline service station. Any building, land area or other premises or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; which may include as an accessory use minor automotive repairs; the sale and installation of lubricants, tires, batteries; car washes; and similar accessory uses. Such establishments shall provide a facility where gasoline and other motor fuels are stored and subsequently dispensed by use of fixed, approved dispensing equipment by customers or employees.

Grade, established street. The crown elevation of a street pavement level abutting a property (as fixed by the Department of Public Works).

Grade level (adjacent ground elevation). The lowest point of elevation of the finished surface of the ground, paving or sidewalk and similar surface improvements within the area between the exterior walls of a primary building or structure and the property line, or when the property line is more than ten (10) feet from such walls, between such walls and a line ten (10) feet away from and paralleling such walls.

Grocery store. A commercial establishment, commonly known as a supermarket, food or grocery store, primarily engaged in the retail sale of canned foods and dry goods, such as tea, coffee, spices, sugar, and flour; fresh fruits and vegetables; and fresh and prepared meats, fish and poultry.

Gross floor area. See floor area, gross.

Gross floor area, total. The sum of the gross horizontal areas of all floors below the roof and within the exterior faces of the exterior walls of principal and accessory buildings or the center lines of walls separating two (2) abutting buildings.

Gross leasable area. The total floor area which is designed for the tenant's occupancy and exclusive use.

Ground cover. Low-growing plants less than eighteen (18) inches in height with a spreading growth habit, such as grasses, vines, flowers, and the like.

Ground floor. That story which contains finished floor area closest to, but not below, grade level. In cases in which the only story with finished floor area is below grade level, that story with finished floor area closest to grade level shall be considered the ground floor.

Handicap ramp. See pedestrian ramp.

Hardsurfaced. Quality of an outer area being solidly constructed of pavement, brick, paving stone, or a combination thereof.

Hardware store. A commercial establishment primarily engaged in the retail sale of a number of basic hardware lines, such as tools, builders' hardware, paint and glass, housewares and household appliances, and cutlery.

Health care facility. A facility or institution, principally engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity or physical condition.

Health services. Medical, surgical or other similar services provided to individuals, including services provided by physicians, dentists, and other health practitioners, medical and dental laboratories, outpatient care facilities or blood banks.

Hedge. A row or rows of closely planted shrubs, bushes, etc., creating a vegetative barrier.

Height, building. The vertical distance above a reference line measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the height of the highest gable of a pitched or hipped roof. The reference line shall be selected by either of the following, whichever yields a greater building height:

- (1) The elevation of the highest adjoining sidewalk or ground surface within a ten-foot horizontal distance from and paralleling the exterior wall of the building or structure when such sidewalk or ground surface is not more than ten (10) feet above lowest grade;
- (2) An elevation ten (10) feet higher than the lowest grade when such sidewalk or ground surface is more than ten (10) feet above the lowest grade.

Home improvement store/center. A facility for the sale of home, lawn, and garden materials and supplies, brick, lumber, hardware items and other similar materials.

Hotel. Any building or group of buildings containing five (5) or more rooms without direct access to the outside, designed or intended to be occupied for sleeping purposes by guests for a fee, often with general kitchen and dining room facilities provided within the building or an accessory building, and which caters to the travelling public.

Indoor commercial amusement/recreation establishment. A facility wholly enclosed in a building that offers entertainment or games of skill to the general public for a fee. This includes but is not limited to such facilities as bowling alleys, billiard parlors, or arcades.

Inoperable vehicle. A motor vehicle from which there has been removed the engine, transmission or differential or that is otherwise partially dismantled or mechanically inoperable, or any motor vehicle which cannot be driven on a city street without being subject to the issuance of a traffic citation by reason of its operating condition or the lack of a valid license plate.

Integrated center. An area of development (commercial, industrial or any combination of commercial, industrial and residential uses) of one (1) or more lots, comprised of:

- (1) A number of individual, nonrelated and separately operated uses in one (1) building sharing common site facilities; or
- (2) One (1) or more buildings containing nonrelated and separately operated uses occupying a common site, which utilize one (1) or a combination of common site facilities, such as driveway entrances, parking areas, driving lanes, signs, maintenance and similar common services; or

- (3) One (1) or more buildings containing unrelated and separately operated uses occupying individual sites, which are interrelated by the utilization of one (1) or a combination of common facilities, such as driveway entrances, public or private street network, parking areas, maintenance and other services.

Interior access drive. A minor, private street providing access within the boundaries of a project beginning at the required setback line (see Diagram A).

Interior access driveway. Access for vehicular movement to egress/ingress between interior access drives connecting two (2) or more projects or land parcels (see Diagram A).

Job printer. A facility for the commercial reproduction, cutting, printing, or binding of written materials, drawings, or labels on a bulk basis using lithography, offset printing, blueprinting and similar methods.

Landscaping. Any combination of living plants, such as trees, shrubs, ground cover, thickets with grasses planted, preserved, transplanted, maintained to develop, articulate and enhance the aesthetic quality of the area as well as provide erosion and drainage control and wind protection.

Landscaping, interior. Landscaping areas consisting of a combination of trees, shrubs and ground cover located in the interior of vehicular use areas so as to provide visual and climatic relief from broad expanses of pavement and to channelize and define areas for pedestrians and vehicular circulation.

Legally established nonconforming building or structure. Any continuous, lawfully established building or structure erected or constructed prior to the time of adoption, revision or amendment, or granted a variance of the zoning ordinance, but which fails, by reason of such adoption, revision, amendment or variance, to conform to the present requirements of the zoning district.

Legally established nonconforming use. Any continuous, lawful land use having commenced prior to the time of adoption, revision or amendment or granted a variance of the zoning ordinance, but which fails, by reason of such adoption, revision, amendment, or variance to conform to the present requirements of the zoning district.

Liquor store, package. A facility principally for the retail sale of alcoholic beverages for off-premises consumption.

Loading area. An off-street area maintained and intended for the maneuvering and temporary parking of vehicles while transferring goods or materials to and from a facility.

Loading space. An off-street space or berth used for the temporary parking of a commercial vehicle while transferring goods or materials to and from a facility.

Local street. See street, local.

Lot. A tract of land designated by its owner(s) to be used or developed as a unit under single ownership or control. A lot may or may not coincide with a lot of record and may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record; or
- (3) A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record.

For purposes of this definition, ownership includes:

- (1) The person(s) who holds either fee simple title to the property or is a life tenant as disclosed in the records of the township assessor;
- (2) A contract vendee;
- (1) A long-term lessee (but only if the lease is recorded among the records of the county recorder and has at least twenty-five (25) years remaining before its expiration at the time of applying for a permit) (see Diagram C).

Lot area. The area of a horizontal plane bounded on all sides by the front, rear, and side lot lines that is available for use or development and does not include any area lying within the right-of-way of any public or private street, alley, or easement for surface access (ingress or egress) into the subject lot or adjoining lots.

Lot, corner. A lot abutting upon two (2) or more streets at their intersections, or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees (see Diagram C).

Lot, through. A lot abutting two (2) parallel streets, or abutting two (2) streets which do not intersect at the boundaries of the lot (see Diagram C).

Lot line. The legal boundary of a lot as recorded in the office of the Marion County Recorder.

Lot line, front. The lot line(s) coinciding with the street rights-of-way; in the case of a corner lot, both lot lines coinciding with the street rights-of-way shall be considered front lot lines; or in the case of a through lot, the lot line which most closely parallels the primary entrance of the primary structure shall be considered the front lot line, or so declared by the Administrator (see Diagram B).

Lot line, rear. A lot line which is opposite and most distant from the front lot line, or in the case of a triangularly shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line. However, in the case of a corner lot line, any lot line which intersects with a front lot line shall not be considered a rear lot line.

Lot line, side. Any lot line not designated as a front or rear lot line.

Lot of record. A lot which is part of a subdivision or a lot or a parcel described by metes and bounds, the description of which has been so recorded in the office of the recorder of Marion County, Indiana.

Main floor area. The area of a horizontal plane, fully bound by the exterior walls of the primary building or structure, of the floor surface at or above grade level exclusive of vent shafts, decks, garages, uncovered or covered open space.

Marginal access street. See street, marginal access.

Mini-warehouses. A building or group of buildings containing one (1) or more individual compartmentalized storage units for the inside storage of customers' goods or wares, where no unit exceeds six hundred (600) square feet in area.

Minor emergency repairs. Those maintenance repairs necessitating an immediate solution yet not posing an immediate life-safety hazard, nor altering the existing character of the structure (see alteration).

Motel. Any building or group of buildings containing five (5) or more rooms with at least twenty-five (25) percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building(s), designed or intended to be occupied for sleeping purposes by guests for a fee, where general kitchen and dining room facilities may be provided within the building or an accessory building, and which caters to the traveling public.

Mulch. A protective covering of organic substances placed around plants to control weeds and prevent evaporation of moisture or freezing. Plastic, loose gravel, stones or rocks shall not be considered as mulch.

Neighborhood recycling collection point. A site where individuals bring household recycling materials to either drop off without compensation, or to redeem the materials for monetary compensation. Beyond any limited sorting, no other processing of the material takes place at the site. All materials are stored completely within the structure while awaiting periodic shipment to the processing facilities. While these collection points may be developed as freestanding sites, they typically are accessory uses sharing the site of a larger primary use. Possible structures for this type of operation include such recycling containers as "igloos," reverse vending machines, trailers, or similar structures.

Night club. An establishment engaged primarily in offering entertainment to the general public, in the form of music for dancing or live and recorded performances. The establishment may or may not engage in the preparation and retail sale of alcoholic beverages for consumption on the premises. For the purposes of this chapter, an establishment of a similar nature which caters to, or markets itself

predominantly to, persons under twenty-one (21) years of age shall not be construed to be a night club, but rather a commercial amusement/recreation establishment.

Nonconforming adult entertainment business. Shall mean any building, structure or land lawfully occupied by an adult entertainment business or lawfully situated at the time of passage of General Ordinance 44, 1984, adopted on July 9, 1984, or amendments thereto, which does not conform after the passage of that ordinance or amendments thereto with the regulations of this chapter.

Nursery, day. See day care center.

Off-street. A location completely within the boundaries of the lot, and completely off of public or private rights-of-way or alleys or any interior surface access easement for ingress and egress.

On-center. Distance at grade from the center of one (1) plant to the center of the next plant.

Outdoor commercial amusement/recreation establishment. An open area offering entertainment or games of skill to the general public for a fee. This includes but is not limited to such facilities as golf courses, swimming pools, and baseball/softball fields.

Outdoor display. See display, outdoor.

Outdoor storage. See storage, outdoor.

Parking area. An area of paving other than an open exhibition or display area, not inclusive of interior access drives, driveways, interior access driveways and access drives intended for the temporary storage of automotive vehicles including parking spaces and the area of access for the egress/ingress of automotive vehicles to and from the actual parking space (see Diagram A).

Parking bay. The parking module consisting of one (1) or two (2) rows of parking spaces and the aisle from which motor vehicles enter and leave the spaces (see Diagram A).

Parking space. An off-street portion of the parking area, which shall be used only for the temporary placement of an operable vehicle (see Diagram A).

Pavement. A layer of concrete, asphalt or coated macadam used on street, parking area, sidewalk, or airport surfacing.

Pedestrian ramp. An inclined access opening along the curb line at which point pedestrians, unassisted or assisted by a wheelchair, walker or the like, may enter or leave the street; or an incline providing pedestrians, unassisted or assisted by a wheelchair, walker or the like, access from the ground to an elevated surface.

Permitted use. Any use by right authorized in a particular zoning district or districts and subject to the restrictions applicable to that zoning district.

Personal service. Services provided involving the care of a person or his/her apparel.

Personal service establishment. A commercial establishment primarily engaged in providing services generally to individuals involving the care of a person or his/her apparel, such as laundries, photographic portrait studios, barber and beauty shops, shoe repair, tailor, travel bureaus or similar facilities.

Physically handicapped. An individual who has a physical impairment including impaired sensory, manual or speaking abilities, which results in a functional limitation in access to and use of a building or facility.

Plat. An officially recorded map, as recorded in the office of the Marion County Recorder, or a map to be recorded indicating the subdivision of land including, but not limited to, boundaries and locations of individual properties, streets, and easements.

Primary building. The building in which the permitted primary use of the lot is conducted.

Printer, job. See job printer.

Proposed right-of-way. See right-of-way, proposed.

Protected district. Specific classes of zoning districts which, because of their low intensity or the sensitive land uses permitted by them, require additional buffering and separation when abutted by certain more intense classifications of land use. For the purposes of this article, a protected district shall include any dwelling district, hospital district, parks district, university quarter district, SU-1 (church) District or SU-2 (school) District.

Rear yard. See yard, rear.

Reconstruction (pertaining to adult entertainment only). The rebuilding or restoration of any nonconforming adult entertainment business which was damaged or partially destroyed by an exercise of the power of eminent domain, or by fire, flood, wind, explosion or other calamity or act of God, if the damage or destruction exceeds two-thirds (2/3) of the value of the structure or the facilities affected.

Recreation facility. A place, area or structure designed and equipped for the conduct of sport, leisure time activities and other customary and usual recreational activities.

Recycling container. Receptacle designed and intended for the collection of cleaned, sorted, solid household waste products, including, but not limited to, glass, plastic, metal and paper.

Recycling station. A recycling operation involving further processing (relative to a neighborhood recycling collection point) of materials to improve the efficiency of subsequent hauling. Such a facility typically features sorting, the use of a crushing apparatus, and the storage of the material until it is shipped out. These businesses usually occupy existing freestanding sites, such as former gasoline stations, or occupy parts of an integrated center parking lot.

Religious use. A land use devoted primarily to divine worship together with reasonably related accessory uses, which are subordinate to and commonly associated with the primary use, which may include but are not limited to, educational, instructional, social or residential uses.

Restaurant, drive-in or drive-through. Any restaurant designed to permit or facilitate the serving of food or beverages directly to, or permitted to be consumed by, patrons in or on motor vehicles parking or stopped on the premises.

Restaurant, family. An establishment where food and drink are prepared, served and consumed primarily within the principal building to the general public. The establishment may have a separate area, or lounge, where alcoholic beverages are served without full food service, provided the area is accessory to the primary use in: 1) square feet; or 2) sales.

Restaurant, fast food. An establishment whose principal business is the sale of preprepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, on-premises or off-premises.

Resumption (pertaining to adult entertainment only). Shall mean the reuse or reoccupation of a nonconforming adult entertainment business which has been discontinued for a period of six (6) or more consecutive months.

Retail trade. Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. The establishment typically buys goods for resale to the public.

Required yard. See yard, required.

Right-of-way. Specific and particularly described strip of land, property, or interest therein devoted to and subject to the lawful use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially recorded by the office of the Marion County Recorder.

Right-of-way, private. Specific and particularly described strip of privately held land, property, or interest therein devoted to and subject to use for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as officially recorded by the office of the Marion County Recorder.

Right-of-way, proposed. Specific and particularly described land, property, or interest therein devoted to and subject to the lawful public use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially described in the Marion County Thoroughfare Plan as adopted and amended by the Metropolitan Development Commission.

Right-of-way, public. Specific and particularly described strip of land, property, or interest therein dedicated to and accepted by the municipality to be devoted to and subject to use by the general public for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as officially recorded by the office of the Marion County Recorder.

Roof line. The uppermost edge of the water-carrying surface of a building or structure.

Satellite dish antenna. A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone or horn. Such device shall be used to transmit or receive radio or electromagnetic waves between terrestrially or orbitally based devices.

Screening. A method of visually shielding or obscuring a nearby structure, building or use on an abutting or adjacent property or lot from another by fencing, walls, berms, or densely planted vegetation.

Seasonal retail sales use, temporary. A temporary use established for a fixed period of time, for the retail sale of seasonal products, including, but not limited to, such items as food, Christmas trees, and live plants. This use may or may not involve the construction or alteration of any permanent building or structure.

Semi-public use. See use, semi-public.

Service bay. Individual area within an automobile repair or service facility where services, including but not limited to car washes, oil changes and repairs, are performed on a motor vehicle.

Services involving specified sexual activity or display of specified anatomical areas. Any combination of two (2) or more of the following activities:

- (1) The sale or display of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representation which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas;
- (2) The presentation of films, motion pictures, video cassettes, slides, or similar photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons;
- (3) The operation of coin- or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image producing devices per machine at any one (1) time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas;
- (4) Live performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas;
- (5) The operation of a massage school, massage parlor, massage therapy clinic, bathhouse, escort service, body painting studio or nude modeling studio, as these terms are defined in Chapter 911 of this Code.

Setback. The minimum horizontal distance established by ordinance between a proposed right-of-way line or a lot line and the setback line (see Diagram B).

Setback line. A line that establishes the minimum distance a building, structure, or portion thereof, can be located from a lot line or proposed right-of-way line (see Diagram B).

Shopping center. A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access and often with protection from the elements.

Shrub. A woody plant of relatively low height (not exceeding ten (10) to twelve (12) feet in height), branching from the base.

Side yard. See yard, side.

Sidewalk. A hardsurfaced walk or raised path along and often paralleling the side of the street intended for pedestrian traffic.

Sign. Any structure, fixture, placard, announcement, declaration, device, demonstration or insignia used for direction, information, identification or to advertise or promote any business, product, goods, activity, services or any interests.

Site plan. The development plan, or series of plans, drawn to scale, for one (1) or more lots on which is shown the existing and proposed location and conditions of the lot including as required by ordinance, but not limited to: topography, vegetation, drainage, floodplains, marshes, and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, buildings, structures, signs, lighting and screening devices, center lines of rights-of-way, and dimensions.

Specified anatomical areas. Any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities. Any of the following:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse or sodomy;
- (3) Fondling or other erotic touchings of human genitals, pubic regions, buttocks or female breasts;
- (4) Flagellation or torture in the context of a sexual relationship;
- (5) Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
- (6) Erotic touching, fondling or other such contact with an animal by a human being; or
- (7) Human excretion, urination, menstruation, vaginal or anal irrigation as a part of or in connection with any of the activities set forth in (1) through (6) above.

Stacking space, off-street. An area, separate from or in addition to, the required parking area, reserved for the temporary retention of vehicles which are queuing up or utilizing the services of a drive-through service unit.

Storage, outdoor. An outdoor area used for the long-term deposit (more than twenty-four (24) hours) of any goods, material, merchandise, vehicles or junk.

Storage area. An area designated, designed and intended for the purpose of reserving property for a future use and distinguished from areas used for the display of property intended to be sold or leased.

Storage room. An enclosed area integrated into and sharing a common or party wall or walls within a primary building, while designed and intended for the purpose of reserving property for a future use.

Story. That part of a building, with an open height of not less than seven (7) feet six (6) inches, except a mezzanine, included between the upper surface of one (1) floor and the lower surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall constitute a story only if it provides finished floor area.

Street, collector. A street primarily designed and intended to carry vehicular traffic movement at moderate speeds (e.g., thirty-five (35) mph) between local streets and arterials while allowing direct access to abutting property(ies) (see Diagram D).

Street, cul-de-sac. A street having only one (1) open end which is permanently terminated by a vehicle turnaround (see Diagram D).

Street, expressway. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

Street, freeway. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

Street, local. A street primarily designed and intended to carry low volumes of vehicular traffic movement at low speeds (e.g., twenty (20) to thirty (30) mph) within the immediate geographic area with direct access to abutting property(ies) (see Diagram D).

Street, marginal access. A local street with control of access auxiliary to and located on the side of an arterial, thoroughfare, expressway, or freeway for service to abutting property(ies) (see Diagram D).

Street, parkway. A street serving through vehicular traffic and equal to or more than five thousand two hundred eighty (5,280) feet in length, the adjoining land on one (1) or both sides of which is predominantly dedicated or used for park purposes, and shall conform to the comprehensive plan and the thoroughfare plan.

Street, primary. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

Street, private. A privately held right-of-way, with the exception of alleys, essentially open to the sky and open for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a right-of-way for such purposes. A private street may be comprised of pavement, shoulders, curbs, sidewalks, parking space, and the like.

Street, public. A publicly dedicated, accepted and maintained right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a public right-of-way for such purposes. A public street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and the like.

Street, secondary. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

Structural alteration. Shall mean any change which would prolong the life of the supporting members of a building or structure such as bearing walls, columns, beams or girders, except such changes as are ordered made pursuant to the provisions of the Unsafe Building Law, IC 36-7-9-1, and any amendments thereto.

Structure. A combining or manipulation of materials to form a construction, erection, alteration or affixation for use, occupancy, or ornamentation, whether located or installed on, above, or below the surface of land or water.

Subdivision. The division of any parcel of land shown as a unit, as part of a unit or as contiguous units, on the last preceding transfer of ownership thereof, into two (2) or more parcels or lots, for the purpose, whether immediate or future, of transfer of ownership or building development.

Substance abuse treatment facility. A facility, the primary function of which is to administer or dispense a schedule II controlled substance (as listed under IC 35-48-2-6(b) or (c)) to a narcotic addict for maintenance or detoxification treatment.

Tavern. An establishment used primarily for the serving of liquor by the drink to the general public, but where minors cannot be within the use, and where food or packaged liquors may be served or sold only as accessory to the primary use.

Temporary seasonal retail sales use. See seasonal use, temporary.

Temporary use. An impermanent land use established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Theatre, drive-in. An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in motor vehicles.

Theatre, motion picture. A building or part of a building which is devoted primarily to showing motion pictures to the public for a fee.

Theatre, legitimate. A building or structure or part thereof which is devoted primarily for the presentation of live dance, dramatic, musical or comedic performances.

Thoroughfare. A street primarily serving through vehicular traffic, including freeways, expressways, primary arterials, and secondary arterials.

Thoroughfare plan. The segment of the Comprehensive Plan for Marion County, Indiana, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to IC 36-7-4 that sets forth the location, alignment, dimensions, identification and classification of freeways, expressways, parkways, primary arterials, secondary arterials, or other public ways as a plan for the development, redevelopment, improvement, and extension and revision thereof.

Through lot. See lot, through.

Total gross floor area. See gross floor area, total.

Transitional yard. See yard, transitional.

Trash container. Receptacle intended for the disposal, collection or temporary storage of unsorted waste products or refuse.

Trash enclosure. An accessory structure enclosed on at least three (3) sides that is designed to screen and protect waste receptacles from view and to prevent waste debris from dispersing outside the enclosure.

Tree survey. An inventory of all trees on a lot or project before construction, alteration or excavation activity occurs identifying species, location, caliper, and dripline of trees. In the case of dense tree stands that exceed six hundred (600) square feet in area and seventy-five (75) percent branch coverage of the ground surface, the location of the outer boundary of the tree stands' dripline with a listing of the predominant species and caliper may be substituted for a detailed inventory.

Use, semi-public. A service offered by a not-for-profit organization to the general public for either no charge or a nominal fee.

Variety store. Commercial establishments primarily engaged in the retail sale of a variety of merchandise in the low price range. Sales usually are made on a cash-and-carry basis, with the open-selling method of display and customer selection of merchandise. These stores generally do not carry a complete line of merchandise, are not departmentalized, do not carry their own charge service, and generally do not deliver merchandise.

Vending machine. An automatic device which dispenses goods or services to the customer upon receipt of monetary compensation.

Walkway. A hardsurfaced walk or raised path for pedestrian traffic.

Yard, front. An open space unobstructed to the sky, extending fully across the lot while situated between the front lot line and a line parallel thereto, which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line (see Diagram B).

Yard, rear. An open space unobstructed to the sky, extending fully across the lot situated between the rear lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line (see Diagram B).

Yard, required. That portion of any yard abutting a lot line having a minimum depth as area required by the particular zoning district in which it is located.

Yard, side. An open space unobstructed to the sky, extending the length of the lot situated between a side lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the point of contact with any rear or front yards or any lot line, whichever occurs first (see Diagram B).

Yard, transitional required. That portion of any yard abutting a protected district having a minimum depth as required by the particular zoning district in which it is located and acting as a buffer between two (2) or more land uses of different intensity (see Diagram B).

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Without further objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of August 26, 2002. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 466, 2002. The proposal, sponsored by Councillor Horseman, recognizes Fiesta Indianapolis, Inc.'s "Fiesta 2002." Councillor Horseman read the proposal and presented Jadira Hoptri, board member of Fiesta Indianapolis, with a copy of the document and a Council pin. Ms. Hoptri thanked the Council for the recognition and invited all to attend the festivities. Councillor Horseman moved, seconded by Councillor Sanders, for adoption. Proposal No. 466, 2002 was adopted by a unanimous voice vote.

Proposal No. 466, 2002 was retitled SPECIAL RESOLUTION NO. 59, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 59, 2002

A SPECIAL RESOLUTION recognizing Fiesta Indianapolis, Inc.'s, "Fiesta 2002".

WHEREAS, Fiesta Indianapolis, Inc. is a nonprofit organization that promotes the Latino community, helps educate the community at large about Latino culture and customs, and sponsors the largest annual Latino festival in the state of Indiana; and

WHEREAS, this year's "Fiesta 2002" begins on September 15th at the Pike Performing Arts Center with a lecture on film musician Manuel Esperon followed by a Latin American Concert by the Millennium Philharmonic Orchestra; and

WHEREAS, Fiesta resumes the following Saturday, September 21, with the outdoor Fiesta Celebration from Noon to Midnight at the downtown American Legion Mall and Veteran's Memorial Plaza; and

WHEREAS, the celebration will feature non-stop entertainment, food vendors, national and cultural information booths, Hispanic arts and crafts, activities for the children, an unbelievable amount of dancing, music and much more; now, therefore

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. The Indianapolis City-County Council recognizes the energy and creative endeavors of Fiesta Indianapolis, Inc., and urges all interested citizens to participate in "Fiesta 2002" on September 15th and 21st.

SECTION 2. The Council commends the corporate and governmental sponsors, the Directors who work on this all year long, and those many people who volunteer to help make this event such a success.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 417, 2002. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 417, 2002 on September 10, 2002. The proposal appoints William M. Matthews to the Information Technology Board. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor McWhirter moved, seconded by Councillor Tilford, for adoption. Proposal No. 417, 2002 was adopted by a unanimous voice vote.

Proposal No. 417, 2002 was retitled COUNCIL RESOLUTION NO. 77, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 77, 2002

A COUNCIL RESOLUTION appointing William M. Matthews to the Information Technology Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Information Technology Board, the Council appoints:

William M. Matthews

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2003. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 425, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which determines the need to lease office space at 251 East Ohio Street for use by the County Prosecutor's office"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 436, 2002. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Dollyne Sherman to the Cable Franchise Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 437, 2002. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Richard Petrecca to the County Property Tax Assessment Board of Appeals"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 438, 2002. Introduced by Councillor Bradford. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$30,000 in the 2002 Budgets of the County Auditor and the Cooperative Extension Service (County Grants Fund) to

fund the program assistant position for one year, funded by a grant from the Indiana State Lawn Care Association"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 440, 2002. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Gus Miller to the Indianapolis City Market Corporation Board of Directors"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 441, 2002. Introduced by Councillor Knox. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which designates White River Parkway, West Drive, from Washington Street to New York Street, including the New York Street Bridge, as the E.B. Kelley Memorial Parkway and Bridge"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 442, 2002. Introduced by Councillors Cockrum and Gray. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$236,184 in the 2002 Budget of the Department of Parks and Recreation (Non-Lapsing Federal Grants Fund) to establish and continue after school youth programs at several IPS and Indy Park sites, financed by federal grants"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 443, 2002. Introduced by Councillors Cockrum and Gray. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer totaling \$40,000 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) to demolish the clubhouse at Smock Golf Course"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 444, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$95,652 in the 2002 Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) to fund a specially trained OVWI (Operating a Vehicle While Intoxicated) Fatality Prosecutor, funded by a grant from the Governor's Council on Impaired and Dangerous Driving and the National Highway Traffic Safety Administration"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 445, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$200,000 in the 2002 Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) for seat belt and drunk driving enforcement and public information campaign in Marion County, funded by a grant from the Governor's Council on Impaired and Dangerous Driving and the National Highway Traffic Safety Administration"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 446, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$244,000 in the 2002 Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) to fund a drunk driving enforcement project in Marion County, funded by a grant from the Governor's Council on Impaired and Dangerous Driving and the National Highway Traffic Safety Administration"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 447, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$3,609 in the 2002 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to appropriate the difference between the 2002 Grant Book and the amount awarded for A Child's Haven"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 448, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$5,352 in the 2002 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to appropriate the difference between the 2002 Grant Book and the amount awarded for the Julian Center"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 449, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$86,232 in the 2002 Budget of the Marion County Superior Court (State and Federal Grants Fund) to continue treatment readiness evaluations by CASI (Community Addiction Services of Indiana) and implement a web site for Community Court information, funded by a grant from the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 450, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$40,000 in the 2002 Budget of the Marion County Superior Court (State and Federal Grants Fund) to pay for exterior improvements to the Community Court building, funded by a grant from a Community Development Block Grant, through the Department of Metropolitan Development"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 451, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$150,000 in the 2002 Budget of the Marion County Superior Court (Jury Pay Fund) to pay for a death penalty case, financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 452, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$180,000 in the 2002 Budget of the Marion County Superior Court (County General Fund) to pay for outsourcing contracts and law library books"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 453, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$2,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) for the purchase of supplies for two children's programs, funded by a grant from Alliance with Indiana"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 454, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$70,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (Guardian Ad Litem Fund) to increase funding to Child Advocates, Inc., funded by revenue received from the State of Indiana"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 455, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$50,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (Juvenile Probation Fees Fund) to remodel the Juvenile Probation office, financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 457, 2002. Introduced by Councillors Soards, Boyd, and Bainbridge. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which creates a citizens review process for the Marion County Sheriff's Department"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 458, 2002. Introduced by Councillors Coughenour and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which authorizes the Department of Public Works, Office of Environmental Services, to apply for grant assistance from the Indiana Department of Environmental Management to continue the City's participation in the statewide Mercury Awareness Program as a regional hub site"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 459, 2002. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 18th Street and Bosart Avenue (District 15)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 460, 2002. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes multi-way stops at Bold Ruler Drive and Foolish Pleasure Lane, and at Crystal Water Drive and First Lady Boulevard (District 23)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 461, 2002. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes multi-way stops at intersections in Arrowhead Estates (District 3)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 462, 2002. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls at 76th Street Court (E/W Leg) and 76th Street Court (N/S Leg) (District 3)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 463, 2002. Introduced by Councillor SerVaas. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls at 39th Street and Roland Road, and at 39th Street and Rommel Drive (District 2)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 464, 2002. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the Spring Creek Subdivision (District 9)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 465, 2002. Introduced by Councillor Douglas. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in intersection controls at 35th Street and Butler Avenue (District 10)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 483, 2002. Introduced by Councillor Coonrod. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which requests the Metropolitan Development Commission to consider certain amendments to the Zoning regulations"; and the President referred it to the Metropolitan Development Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 467, 2002, PROPOSAL NO. 468, 2002, PROPOSAL NOS. 469-471, 2002, and PROPOSAL NOS. 472-482, 2002. Introduced by Councillor Smith. Proposal No. 467, 2002, Proposal No. 468, 2002, Proposal Nos. 469-471, 2002, and Proposal Nos. 472-482, 2002 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on September 11 and 12, 2002, respectively. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 111-126, 2002, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 111, 2002.

2001-ZON-164

3920 and 3928 SOUTH POST ROAD (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23

BRIAN T. and HEATHER M. ROUSH, by David A. Retherford, request a rezoning of 3.75 acres, being in the D-A District, to the C-4 classification to provide for the construction of a gasoline station/commercial center.

REZONING ORDINANCE NO. 112, 2002.

2000-ZON-109 (Amended)

5500 EAST 65th STREET (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 4

DOUBLE NICKEL DEVELOPMENT CORPORATION, by Robert Clutter, requests a rezoning of 19.125 acres, from I-2-S to C-S, to provide for 150,000 square feet of general and medical office development.

REZONING ORDINANCE NO. 113, 2002.

2002-ZON-103

42 WEST EDWARDS AVENUE (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 25

MAX LONGORIA and CAROLYN SOCKRIDER requests a rezoning of 0.690 acres, being in the D-2 and C-3 Districts, to the D-2 classification to legally establish a single-family dwelling.

REZONING ORDINANCE NO. 114, 2002.

2002-ZON-105

1130 EAST EPLER AVENUE (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24

SOUTHPORT MASONIC LODGE #270, by Christopher D. Long, requests a rezoning of 3.22 acres, being in the SU-2 District, to the SU-34 classification to provide for a fraternal lodge.

REZONING ORDINANCE NO. 115, 2002.

2002-ZON-106

7460 NORTH SHADELAND AVENUE (approximate address), INDIANAPOLIS.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 4

MIDLAND ATLANTIC PROPERTIES, by Philip A. Nicely, requests a rezoning of 0.97 acre, being in the C-1 District, to the C-S classification to provide for neighborhood commercial uses.

REZONING ORDINANCE NO. 116, 2002.

2002-ZON-092

5160 EAST SOUTHPORT ROAD (approximate address), INDIANAPOLIS.
FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23
CEI ENGINEERING ASSOCIATES, INC. requests a rezoning of 1.0 acre, being in the D-A District, to the C-3 classification to provide for a fast-food restaurant.

REZONING ORDINANCE NO. 117, 2002.

2002-ZON-095

9431 HAVER WAY (approximate address), INDIANAPOLIS.
WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 3
ROBERT A. BUTLER, by Philip A. Nicely, requests a rezoning of 1.21 acres, being in the C-3 District, to C-5 classification to provide for general commercial uses.

REZONING ORDINANCE NO. 118, 2002.

2002-ZON-098

100 SOUTH EDMONDSON AVENUE (approximate address), INDIANAPOLIS.
WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13
DAVID LOPEZ, by Mitch Sever, requests a rezoning of 3.05 acres, being in the D-5 District, to the C-S classification to provide for a general contractor, commercial office uses, warehouse, glass shop, wholesale distributor, electronic repair, and photocopying/duplication service.

REZONING ORDINANCE NO. 119, 2002.

2002-ZON-101

1720 GILBERT AVENUE (approximate address), INDIANAPOLIS.
PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 20
RKR QUALITY CONSTRUCTION requests a rezoning of 0.34 acre, being in the C-1 District, to the D-3 classification to provide for a single-family dwelling.

REZONING ORDINANCE NO. 120, 2002.

2002-ZON-107

1500, 1614, 1615, 1616, 1622, 1624, and 1626 SHELDON STREET, and 1610 ROOSEVELT AVENUE (approximate addresses), INDIANAPOLIS.
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22
EASTSIDE NEW HOPE BAPTIST CHURCH requests a rezoning of two acres, being in the D-5, C-3, and C-5 Districts, to the SU-1 classification to legally establish religious uses.

REZONING ORDINANCE NO. 121, 2002.

2002-ZON-109 (Amended)

1317 COLUMBIA AVENUE (approximate address), INDIANAPOLIS.
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 15
JOHN WALLER request a rezoning of 0.15 acre being in the D-8 District, to the C-3 classification to provide for commercial uses.

REZONING ORDINANCE NO. 122, 2002.

2002-ZON-111

153 FALL CREEK PARKWAY SOUTH DRIVE (approximate address), INDIANAPOLIS.
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22
JACQUELINE SLATTER requests a rezoning of 0.5 acre, being in the SU-7 District, to the D-8 classification to provide for residential development.

REZONING ORDINANCE NO. 123, 2002.

2002-ZON-112

2925 EAST 71ST STREET (approximate address), INDIANAPOLIS.
CENTER, COUNCILMANIC DISTRICT # 7
NORTHSIDE BAPTIST CHURCH OF INDIANAPOLIS. requests a rezoning of 0.80 acre, being in the D-A (FF) District, to the SU-1 (FF) classification to provide for religious uses.

REZONING ORDINANCE NO. 124, 2002.

2002-ZON-116

7820 ACTON ROAD (approximate address), INDIANAPOLIS.
FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23
UNITED FAITH BAPTIST CHURCH requests a rezoning of 0.753 acre, being in the D-A District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 125, 2002.

2002-ZON-823 (2002-DP-005)

6720 SPIRIT LAKE DRIVE (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 7.

SPIRIT LAKE, LLC, by David Gilman, requests a rezoning of 29.69 acres, being in the D-P (FF) District, to the D-P (FF) classification to provide for a single-family dwelling.

REZONING ORDINANCE NO. 126, 2002.

2002-ZON-835

5550 BRADBURY STREET (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 19

HURRICANE FOOD, INC., by Mary E Solada, requests a rezoning of 0.78 acre, being in the C-S District, to the C-S classification to provide for a drive-through restaurant.

**SPECIAL ORDERS – FINAL ADOPTION – 2003 BUDGET ORDINANCES
CITY-COUNTY COUNCIL**

President SerVaas said that the budget process has not been an easy one, because of so many complexities. However, as a City and County Council, along with the Mayor as chief County executive, this body represents both parts of this government and have tried very hard to put together a bi-partisan budget. He said that there are some parties here this evening that are extremely disappointed by some elements of this budget, but it was a cooperative effort and has been a difficult process. He asked Majority Leader Borst to preside over the budget votes.

Councillor Borst said that several last-minute amendments were worked out with the administration over the weekend, which represents a satisfactory compromise for both the City and County. He recognized James Steele, Council Financial Consultant, who worked very hard with the City Controller and County Auditor to reach these compromises. He also commended the Controller and Auditor and their staffs for all their hard work to make the budget process successful. He said that there are portions of the budget he is not very excited about, but he can accept them in order to move this process forward and proceed with a budget that ultimately found ways to use a lot of flexible money and decrease some tax rates.

PROPOSAL NO. 405, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 405, 2002 on September 4 and 16, 2002. The proposal, sponsored by Councillor Dowden, is the annual budget for the Metropolitan Emergency Communications Agency for 2003. By a 6-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Borst moved, seconded by Councillor Boyd, for adoption. Proposal No. 405, 2002, as amended, was adopted on the following roll call vote; viz:

23 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coughenour, Douglas, Dowden, Gibson, Gray, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, SerVaas, Short, Soards, Talley, Tilford

6 NAYS: Bradford, Coonrod, Horseman, Sanders, Schneider, Smith

Proposal No. 405, 2002, as amended, was retitled FISCAL ORDINANCE NO. 92, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 92, 2002

A FISCAL ORDINANCE creating the annual budget of the Metropolitan Emergency Communications Agency (MECA) of the City of Indianapolis, Indiana, for the fiscal year beginning January 1, 2003, and ending December 31, 2003, appropriating monies for the purpose of defraying the expenses and all

outstanding claims and obligations of said Metropolitan Emergency Communications Agency Fund, Metropolitan Emergency Communications Agency/County Emergency Telephone System Fund, Metropolitan Emergency Communications Agency/Indianapolis Emergency Telephone System Fund, and the Metropolitan Emergency Communications Agency Sinking Fund, fixing and establishing the annual rate of taxation and tax levy for the year 2003 for each fund for which a tax levy is authorized, and fixing a time when this ordinance shall take effect.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. For the expenses of the Metropolitan Emergency Communications Agency of the City of Indianapolis and Marion County for the fiscal year beginning January 1, 2003 and ending December 31, 2003, the sums of money herein set out are hereby appropriated and ordered set apart out of the Metropolitan Emergency Communications Agency Fund and the Metropolitan Emergency Communications Agency/Indianapolis Emergency Telephone System Fund for the purposes herein specified, subject to the law governing the same:

2003 ANNUAL BUDGET METROPOLITAN EMERGENCY COMMUNICATIONS AGENCY		
	ORIGINAL PUBLISHED BUDGET APPROPRIATION	BUDGET APPROVED BY CITY-COUNTY COUNCIL
METROPOLITAN EMERGENCY COMMUNICATIONS AGENCY	METROPOLITAN EMERGENCY COMMUNICATIONS AGENCY FUND	
1. Personal Services	743,664	743,664
2. Supplies	238,705	238,705
3. Other Services and Charges	2,256,125	2,256,125
4. Capital Outlay	220,323	220,323
TOTAL	3,458,817	3,458,817

METROPOLITAN EMERGENCY COMMUNICATIONS AGENCY	METROPOLITAN EMERGENCY COMMUNICATIONS AGENCY/COUNTY EMERGENCY TELEPHONE SYSTEM FUND	
1. Personal Services	409,196	409,196
2. Supplies	3,700	3,700
3. Other Services and Charges	399,781	399,781
4. Capital Outlay	52,151	52,151
TOTAL	864,828	864,828

OFFICE OF THE CITY CONTROLLER	METROPOLITAN EMERGENCY COMMUNICATIONS AGENCY/INDIANAPOLIS EMERGENCY TELEPHONE SYSTEM FUND	
1. Personal Services		
2. Supplies		
3. Other Services and Charges		
4. Capital Outlay		
TOTAL		

COUNTY AUDITOR	METROPOLITAN EMERGENCY COMMUNICATIONS AGENCY FUND	
1. Personal Services	193,146	193,146
2. Supplies	0	0
3. Other Services and Charges	0	0
4. Capital Outlay	0	0
TOTAL	193,146	193,146

COUNTY AUDITOR	METROPOLITAN EMERGENCY COMMUNICATIONS AGENCY/COUNTY EMERGENCY TELEPHONE SYSTEM FUND	
1. Personal Services	124,062	124,062
2. Supplies	0	0
3. Other Services and Charges	0	0
4. Capital Outlay	0	0
TOTAL	124,062	124,062

SECTION 2. For the purposes of paying the principal and interest due on the outstanding bonded and other indebtedness of the Indianapolis Public Safety Communications Systems and Computer Facilities District, Metropolitan Emergency Communications Agency of the City of Indianapolis and Marion County, for the fiscal year beginning January 1, 2003 and ending December 31, 2003, the sums of money herein set out are hereby appropriated and ordered set apart out of the Metropolitan Emergency Communications Agency Sinking Fund for the purposes herein specified, subject to the law governing the same:

	ORIGINAL PUBLISHED BUDGET APPROPRIATION	BUDGET APPROVED BY CITY-COUNTY COUNCIL
METROPOLITAN EMERGENCY COMMUNICATIONS AGENCY	METROPOLITAN EMERGENCY COMMUNICATIONS AGENCY SINKING FUND	
1. Personal Services	0	0
2. Supplies	0	0
3. Other Services and Charges	7,133,578	7,133,578
4. Capital Outlay	0	0
TOTAL	7,133,578	7,133,578

SECTION 3. (a) The salaries, wages, and compensation of the various officers and employees of the Metropolitan Emergency Communications Agency for the ensuing year are now fixed and approved for all employees of the Metropolitan Emergency Communications Agency in accordance with the schedule of compensation adopted pursuant to Chapter 291 of the Revised Code of the Consolidated City and County.

(b) Such compensation shall not be increased without approval of the Council or as provided in such wage and salary classification ordinance as may from time to time be adopted for employees of the Metropolitan Emergency Communications Agency, and the respective amounts herein specified for personal services are hereby appropriated therefor; provided, however, that no person, official, or employee whose salary or compensation has been approved as part of the "Personal Services" appropriations in this ordinance, or any ordinance hereafter adopted, shall have any vested right to receive such amount, except as may be accrued, or otherwise provided by statute. Control as to any decrease shall be vested in the body or executive having direction over the one affected, as provided by law. Provided that, certain employees classified as "exempt" for the purposes of the Fair Labor Standards Act shall be salaried employees, and such salaries shall be paid on an annualized basis. Exempt salaried employees shall, however, be required to work a regularly scheduled 40-hour week. Provided further, that the compensation of employees classified as "non-exempt" for the purposes of the Act may fluctuate from pay period to pay period, in accordance with actual hours worked. Non-exempt employees shall also be required to work a regularly scheduled 40-hour week. Wages and hours of uniformed employees shall be determined in accordance with applicable provisions of the Fair Labor Standards Act.

SECTION 4. To defray the costs of government of the Metropolitan Emergency Communications Agency in accordance with the appropriations stated in sections 1 and 2 of this ordinance, certain anticipated and estimated revenues are allocated as follows:

(a) The Metropolitan Emergency Communications Agency Fund for 2003 (County Auditor) shall consist of all balances at the end of fiscal 2002 available for transfer into said fund from the City Controller, and all fees, charges, miscellaneous revenues derived from sources connected with the operation of the Metropolitan Emergency Communications Agency and the portion of County Option Income taxes allocated to such purposes, all of which does not involve a property tax levy for said fund.

(b) The Metropolitan Emergency Communications Agency, Indianapolis Emergency Telephone System Fund for 2003 shall consist of all balances at the end of fiscal 2002 available for transfer into said

fund, Enhanced 9-1-1 fees and interest allocated to the Metropolitan Emergency Communications Agency, all of which does not involve a property tax levy for said fund.

(c) The Metropolitan Emergency Communications Agency Sinking Fund for 2003 shall consist of all balances at the end of fiscal 2002 available for transfer into said fund, all miscellaneous revenues derived from sources connected with the operation of the Metropolitan Emergency Communications Agency Sinking Fund, those distributions of taxes allocated by state law on the basis of property taxes levied and assessed as this fund, all amounts received by the levy of a rate tax for this fund on all taxable property located in the Indianapolis Public Safety Communications System and Computer Facilities District (county-wide assessed valuation) by virtue of section 5 of this ordinance.

SECTION 5. There is hereby levied and assessed or confirmed as may be required by law on all real estate and improvements and all business personal property of whatever description, tangible and intangible, and choses in action of every kind and character in the Indianapolis Public Safety Communications System and Computer Facilities District (county-wide assessed valuation), as assessed and returned for taxation in said District for the year 2002, payable in 2003, a tax rate of one and forty-one hundredths cents (\$.0141) for Metropolitan Emergency Communications Agency Sinking Fund on each one hundred dollars (\$100.00) valuation of such district taxable property.

SECTION 6. The budget of said taxing district shall be funded with the revenues from taxation provided from the several tax levies fixed in this ordinance, and the miscellaneous receipts of said funds and with the use of portions of current balances, all as indicated on the following tables:

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES METROPOLITAN EMERGENCY COMMUNICATIONS AGENCY FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 Through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
SPECIAL TAXES		
County Option Income Tax	1,375,000	2,750,000
ALL OTHER REVENUE		
E-911 Telephone Charges	90,000	141,000
Reimbursements	50,000	200,000
Miscellaneous		
Interest	20,000	50,000
TOTAL	1,535,000	3,141,000

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES METROPOLITAN EMERGENCY COMMUNICATIONS AGENCY/ COUNTY EMERGENCY TELEPHONE SYSTEM FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
SPECIAL TAXES		
Charges for Services(wireless)	480,000	1,100,000
ALL OTHER REVENUE		
Miscellaneous	20,000	50,000
TOTAL	500,000	1,150,000

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES METROPOLITAN EMERGENCY COMMUNICATIONS AGENCY/ INDIANAPOLIS EMERGENCY TELEPHONE SYSTEM FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
SPECIAL TAXES		
Charges for Services		
ALL OTHER REVENUE		
Transfer to MECA Sinking Fund	(630,651)	
TOTAL	(630,651)	0

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES METROPOLITAN EMERGENCY COMMUNICATIONS AGENCY SINKING FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 Through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
SPECIAL TAXES		
Auto Excise	185,060	395,186
Financial Institution Tax	33,582	63,114
Commercial Vehicle Excise Taxes	20,960	38,492
ALL OTHER REVENUE		
Charges for Service (E-911 fees)	933,023	1,800,000
Miscellaneous (Interest)	13,350	20,000
Transfers In (from E-911 fund)	630,651	
TOTAL	1,816,626	2,316,792

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES METROPOLITAN EMERGENCY COMMUNICATIONS AGENCY FUND		
2003 NET ASSESSED VALUATION		
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	850,569	850,569
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	1,745,963	1,745,963
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	1,745,963	1,745,963
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	1,535,000	1,535,000
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	1,535,000	1,535,000
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	639,606	639,606
10. Total budget estimate for January 1 to December 31 of incoming year	3,651,963	3,651,963
11. Miscellaneous revenue for January 1 to December 31 of incoming year	3,141,000	3,141,000
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	128,643	128,643

14. Estimated December 31 cash balance, of incoming year	128,643	128,643
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0	0
Proposed tax rate for incoming year	0	0

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES METROPOLITAN EMERGENCY COMMUNICATIONS AGENCY/ COUNTY EMERGENCY TELEPHONE SYSTEM FUND		
2003 NET ASSESSED VALUATION		
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	2,433,048	2,433,048
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	490,887	490,887
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	490,887	490,887
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	500,000	500,000
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	500,000	500,000
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	2,442,161	2,442,161
10. Total budget estimate for January 1 to December 31 of incoming year	988,890	988,890
11. Miscellaneous revenue for January 1 to December 31 of incoming year	1,150,000	1,150,000
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	2,603,271	2,603,271
14. Estimated December 31 cash balance, of incoming year	2,603,271	2,603,271
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0	0
Proposed tax rate for incoming year	0	0

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES METROPOLITAN EMERGENCY COMMUNICATIONS AGENCY/ INDIANAPOLIS EMERGENCY TELEPHONE SYSTEM FUND		
2003 NET ASSESSED VALUATION		
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year		
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended		
3. Additional appropriations necessary to be made July 1 to December 31 of present year		
4. Outstanding temporary loans to be paid and not included in lines 2 or 3		
5. Total expenditures for current year (add lines 2-4)		
6. Remaining property taxes to be collected present year		
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year		

8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)		
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)		
10. Total budget estimate for January 1 to December 31 of incoming year		
11. Miscellaneous revenue for January 1 to December 31 of incoming year		
12. Property tax to be raised from January 1 to December 31 of incoming year		
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)		
14. Estimated December 31 cash balance, of incoming year		
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate		
Proposed tax rate for incoming year		

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES METROPOLITAN EMERGENCY COMMUNICATIONS AGENCY SINKING FUND		
2003 NET ASSESSED VALUATION	33,621,879,433	
2002 BILLED NET ASSESSED VALUATION	9,185,364,697	
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	1,260,762	1,254,816
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	4,347,799	4,347,799
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	4,347,799	4,347,799
6. Remaining property taxes to be collected present year	2,037,592	2,042,756
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	1,816,626	1,816,626
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	3,854,218	3,859,382
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	767,181	766,400
10. Total budget estimate for January 1 to December 31 of incoming year	7,133,578	7,133,578
11. Miscellaneous revenue for January 1 to December 31 of incoming year	2,366,119	2,316,792
12. Property tax to be raised from January 1 to December 31 of incoming year	4,514,938	4,740,685
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	514,661	690,299
14. Estimated December 31 cash balance, of incoming year	514,661	690,299
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0155	0.0155
Proposed tax rate for incoming year	0.0155	0.0141

FUND	LEVY ON PROPERTY	AMOUNT TO BE RAISED
Metropolitan Emergency Communications Agency		
Metropolitan Emergency Communications Agency/ County Emergency Telephone System		
Metropolitan Emergency Communications Agency/ Indianapolis Emergency Telephone System		
Metropolitan Emergency Communications Agency Sinking	4,514,938	4,740,685
TOTAL		

SECTION 7. The City Controller shall distribute to the public safety dispatch agencies listed below from the Indianapolis Emergency Telephone System Fund based on actual receipts received from Ameritech, only the incremental fees resulting from the increase adopted November 23, 1992 by the City-County Council. Distribution shall be based upon the following percentages:

Indianapolis Police	43.46%
Indianapolis Fire	22.91%
Marion County Sheriff	22.10%
City of Lawrence	5.56%
City of Beech Grove	3.02%
Town of Speedway	2.95%

SECTION 8. The Auditor of Marion County be, and is hereby, ordered and directed to place the aforesaid tax levies upon the property tax duplicates; and the County Treasurer of such county, ex-officio city treasurer be and is hereby, ordered and directed to collect the same for the Metropolitan Emergency Communications Agency of the City of Indianapolis, and make due report thereof as provided by law.

SECTION 9. In accord with Section 192-303 of the code, the maximum number of authorized employees for the agency for the calendar year 2003, shall be limited as follows:

Agency	Position Type	2003 Proposed
MECA	Full Time FTE	25.00
Total		25.00

SECTION 10. This ordinance shall be in full force and effect beginning January 1, 2003, after passage by the City-County Council, approval by the Mayor, and approval by the Tax Boards as required by law.

PROPOSAL NO. 406, 2002. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 406, 2002 on September 10, 2002. The proposal, sponsored by Councillors Borst and Boyd, appropriates the amounts necessary for payments for city sinking funds for the calendar year 2003. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Boyd, for adoption. Proposal No. 406, 2002 was adopted on the following roll call vote; viz:

22 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Coughenour, Douglas, Dowden, Gibson, Gray, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, SerVaas, Short, Soards, Talley, Tilford
7 NAYS: Bradford, Conley, Coonrod, Horseman, Sanders, Schneider, Smith

Proposal No. 406, 2002 was retitled FISCAL ORDINANCE NO. 93, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 93, 2002

A FISCAL ORDINANCE appropriating the amounts necessary for payments for city sinking funds for the calendar year 2003.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Appropriations for City Sinking Funds for 2003.

For purposes of paying the principal and interest due on the outstanding bonded and other indebtedness of the Consolidated City and its special taxing districts, there are hereby appropriated for 2003 the respective sums hereinafter set forth for the respective funds:

	ORIGINAL PUBLISHED BUDGET APPROPRIATION	BUDGET APPROVED BY CITY-COUNTY COUNCIL
(a) CITY GENERAL SINKING FUND		
3. Other Services and Charges	465,656.00	465,656.00
TOTAL	465,656.00	465,656.00
(b) REDEVELOPMENT DISTRICT SINKING FUND		
3. Other Services and Charges	17,430,381.00	17,430,381.00
TOTAL	17,430,381.00	17,430,381.00
(c) SANITARY DISTRICT SINKING FUND		
3. Other Services and Charges	9,097,085.00	9,097,085.00
TOTAL	9,097,085.00	9,097,085.00
(d) FLOOD CONTROL DISTRICT SINKING FUND		
3. Other Services and Charges	5,322,914.00	5,322,914.00
TOTAL	5,322,914.00	5,322,914.00
(e) METROPOLITAN THOROUGHFARE DISTRICT SINKING FUND		
3. Other Services and Charges	7,916,796.00	7,916,796.00
TOTAL	7,916,796.00	7,916,796.00
(f) METROPOLITAN PARK DISTRICT SINKING FUND		
3. Other Services and Charges	2,003,676.00	2,003,676.00
TOTAL	2,003,676.00	2,003,676.00

SECTION 2. This ordinance shall be in full force and effect beginning January 1, 2003, after passage by the City-County Council, approval by the Mayor, and approval by the Tax Boards as required by law.

PROPOSAL NO. 407, 2002. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 406, 2002 on September 10, 2002. The proposal, sponsored by Councillors Borst and Boyd, appropriates the amounts necessary for payments from the Revenue Bonds Debt Service Funds for 2003. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Short, for adoption. Proposal No. 407 2002 was adopted on the following roll call vote; viz:

28 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford

0 NAYS:

1 NOT VOTING: SerVaas

Proposal No. 407, 2002 was retitled FISCAL ORDINANCE NO. 94, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 94, 2002

A FISCAL ORDINANCE creating the annual budget of the Revenue Serviced Debt Funds of the City of Indianapolis, Indiana, for the fiscal year beginning January 1, 2003 and ending December 31, 2003, appropriating monies for the purpose of defraying the expenses and all outstanding claims and obligations of said Revenue Serviced Debt Funds, and fixing a time when this ordinance shall take effect.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

ANNUAL BUDGET FOR REVENUE SERVICED DEBT FUNDS
OF THE CONSOLIDATED CITY OF INDIANAPOLIS

SECTION 1. Appropriations for 2003.

For the obligation of government of the Consolidated City of Indianapolis for its Revenue Bonds Debt Service Funds for the fiscal year beginning January 1, 2003, and ending December 31, 2003, the sums of money set out in this Section are hereby appropriated out of the respective funds (as established and allocated in Section 2, namely the Transportation Revenue Bonds of 2001 Fund (Refund 1992), Golf Revenue Bonds of 1996 Fund, Redevelopment Tax Increment Revenue Bonds of 1992 Fund, Redevelopment Tax Increment Revenue Bonds of 1991 Fund, Redevelopment Tax Increment Revenue Bonds of 1990 Fund, Ameriplex, Inc. Debt Service Fund, Golf Tax Increment Revenue Bonds of 1998 Fund, 96th Street Tax Increment Financing Bonds of 2001 Fund, State Revolving Loan Debt Service 1998A Fund, State Revolving Loan Debt Service 1998B Fund, State Revolving Loan Debt Service 2000 Fund, State Revolving Loan Debt Service 2001 Fund, Redevelopment 1999 Bond Anticipation Note Takeout Fund, and the Redevelopment 1999 Revenue Bonds Series A Fund, for the purposes herein specified, subject to the laws governing the same. The sums so appropriated shall be held to include all such expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided by law.

	ORIGINAL PUBLISHED BUDGET APPROPRIATION	BUDGET APPROVED BY CITY-COUNTY COUNCIL
(a) TRANSPORTATION REVENUE BONDS OF 2001 FUND (REFUND 1992)		
3. Other Services and Charges	\$4,759,413.00	\$4,759,413.00
TOTAL	\$4,759,413.00	\$4,759,413.00

(b) GOLF REVENUE BONDS OF 1996 FUND		
3. Other Services and Charges	\$277,432.00	\$277,432.00
TOTAL	\$277,432.00	\$277,432.00

(c) REDEVELOPMENT TAX INCREMENT REVENUE BONDS OF 1992 FUND		
3. Other Services and Charges	\$19,554,456.00	\$19,554,456.00
TOTAL	\$19,554,456.00	\$19,554,456.00

(d) REDEVELOPMENT TAX INCREMENT REVENUE BONDS OF 1991 FUND		
3. Other Services and Charges	\$2,959,276.00	\$2,959,276.00
TOTAL	\$2,959,276.00	\$2,959,276.00

(e) REDEVELOPMENT TAX INCREMENT REVENUE BONDS OF 1990 FUND		
3. Other Services and Charges	\$2,845,000.00	\$2,845,000.00
TOTAL	\$2,845,000.00	\$2,845,000.00

(f) AMERIPLEX, INC. DEBT SERVICE FUND		
3. Other Services and Charges	\$937,288.00	\$937,288.00
TOTAL	\$937,288.00	\$937,288.00

(g) GOLF TAX INCREMENT REVENUE BONDS OF 1998 FUND		
3. Other Services and Charges	\$321,803.00	\$321,803.00
TOTAL	\$321,803.00	\$321,803.00

(h) 96 th STREET TAX INCREMENT REFINANCING BONDS OF 2001 FUND		
3. Other Services and Charges	\$1,879,739.00	\$1,879,739.00
TOTAL	\$1,879,739.00	\$1,879,739.00

(i) STATE REVOLVING LOAN DEBT SERVICE 1998A FUND		
3. Other Services and Charges	\$1,685,150.00	\$1,685,150.00
TOTAL	\$1,685,150.00	\$1,685,150.00

(j) STATE REVOLVING LOAN DEBT SERVICE 1998B FUND		
3. Other Services and Charges	\$850,992.00	\$850,992.00
TOTAL	\$850,992.00	\$850,992.00

(k) STATE REVOLVING LOAN DEBT SERVICE 2000 FUND		
3. Other Services and Charges	\$2,256,430.00	\$2,256,430.00
TOTAL	\$2,256,430.00	\$2,256,430.00

(l) STATE REVOLVING LOAN DEBT SERVICE 2001 FUND		
3. Other Services and Charges	\$3,131,800.00	\$3,131,800.00
TOTAL	\$3,131,800.00	\$3,131,800.00

(m) REDEVELOPMENT 1999 BOND ANTICIPATION NOTE TAKEOUT FUND		
3. Other Services and Charges	\$4,949,560.00	\$4,949,560.00
TOTAL	\$4,949,560.00	\$4,949,560.00

(n) REDEVELOPMENT 1999 REVENUE BONDS SERIES A FUND		
3. Other Services and Charges	\$2,317,000.00	\$2,317,000.00
TOTAL	\$2,317,000.00	\$2,317,000.00

SECTION 2. To defray the costs of the appropriation made in Section 1, certain anticipated and estimated revenues are allocations as follows:

(a) TRANSPORTATION REVENUE BONDS OF 2001 FUND (REFUND 1992). The Transportation Revenue Bonds of 2001 FUND (REFUND 1992) for 2003 shall consist of all balances at the end of fiscal 2002 available for transfer into said fund, those distribution of taxes allocated by the state pledged for retirement of debt and interest payment, and all other miscellaneous revenues derived from said Fund, all of which does not involve a general tax levy for the City.

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES TRANSPORTATION REVENUE BONDS OF 2001 FUND (REFUND 1992) FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 Through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
ALL OTHER REVENUE		
Wheel Tax	2,400,000	4,800,000
Interest		
TOTAL	2,400,000	4,800,000

(b) GOLF REVENUE BONDS OF 1996 FUND. The Golf Revenue Bonds of 1996 Fund, also known as the Golf Project Revenue Fund for 1993, shall consist of all balances at the end of fiscal 2002 available for transfer into said fund, and all pledged revenues of various municipal golf courses, and all other

miscellaneous revenues derived from said Fund, all of which does not involve a general tax levy for the City.

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES GOLF REVENUE BONDS OF 1996 FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
ALL OTHER REVENUE		
Fees for Service	200,000	400,000
Interest	2,500	2,500
Transfer to Park General		
TOTAL	202,500	402,500

(c) REDEVELOPMENT TAX INCREMENT REVENUE BONDS OF 1992 FUND. The Redevelopment Tax Increment Revenue Bonds of 1992 Fund for 2003 shall consist of all balances at the end of fiscal 2002 available for transfer into said fund and all Circle Centre Mall tax increment disbursements from the Auditor, and all other miscellaneous revenues derived from said Fund, all of which does not involve a general tax levy for the City.

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES REDEVELOPMENT TAX INCREMENT REVENUE BONDS OF 1992 FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 Through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
ALL OTHER REVENUE		
Tax Increment	11,700,188	19,350,000
Miscellaneous		1,500,000
Interest	25,000	50,000
TOTAL	11,725,188	20,900,000

(d) REDEVELOPMENT TAX INCREMENT REVENUE BONDS OF 1991 FUND. The Redevelopment Tax Increment Revenue Bonds of 1991 Fund for 2003 shall consist of all balances at the end of fiscal 2002 available for transfer into said fund and all Harding Street tax increment disbursements from the Auditor, and all other miscellaneous revenues derived from said Fund, all of which does not involve a general tax levy for the City.

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES REDEVELOPMENT TAX INCREMENT REVENUE BONDS OF 1991 FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
ALL OTHER REVENUE		
Tax Increment	634,696	900,000
Miscellaneous		2,000,000
Interest	25,000	20,000
TOTAL	659,696	2,920,000

(e) Redevelopment Tax Increment Revenue Bonds of 1990 Fund. The Redevelopment Tax Increment Revenue Bonds of 1990 Fund for 2003 shall consist of all balances at the end of fiscal 2002 available for transfer into said fund and all 86th Street tax increment disbursements from the Auditor, and all other miscellaneous revenues derived from said Fund, all of which does not involve a general tax levy for the City.

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES REDEVELOPMENT TAX INCREMENT REVENUE BONDS OF 1990 FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 Through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
ALL OTHER REVENUE		
Tax Increment	1,000,000	1,200,000
Miscellaneous		
Interest	75,000	150,000
TOTAL	1,075,000	1,350,000

(f) **AMERIPLEX, INC. DEBT SERVICE FUND.** The Ameriplex, Inc. Debt Service Fund for 2003 shall consist of all balances at the end of fiscal 2002 available for transfer into said fund and all Ameriplex tax increment disbursements from the Auditor, and all other miscellaneous revenues derived from said Fund, all of which does not involve a general tax levy for the City.

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES AMERIPLEX, INC. DEBT SERVICE FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 Through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
ALL OTHER REVENUE		
Tax Increment	800,000	1,050,000
Miscellaneous		200,000
TOTAL	800,000	1,250,000

(g) **GOLF TAX INCREMENT REVENUE BONDS OF 1998 Fund.** The Golf Tax Increment Revenue Bonds of 1998 Fund shall consist of all balances at the end of fiscal 2002 available for transfer into said fund, and all tax increment distribution of the Brookville Senour tax district, and all other miscellaneous revenues derived from said Fund, all of which does not involve a general tax levy for the City.

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES GOLF TAX INCREMENT REVENUE BONDS OF 1998 FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 Through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
ALL OTHER REVENUE		
Tax Increment	275,000	520,000
Interest	5,000	15,000
TOTAL	280,000	535,000

(h) **96TH STREET TAX INCREMENT FINANCING BONDS OF 2001 FUND.** The 96th Street Tax Increment Financing Bonds of 2001 Fund shall consist of all balances at the end of fiscal 2002 available for transfer into said fund all 96th Street tax increment disbursements from the Auditor, and all other miscellaneous revenues derived from said Fund, all of with does not involve a general tax levy for the City.

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES 96th STREET TAX INCREMENT REFINANCING BONDS OF 2001 FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
ALL OTHER REVENUE		
Tax Increment	1,400,000	2,900,000
Interest	5,000	17,500
TOTAL	1,405,000	2,917,500

(i) **STATE REVOLVING LOAN DEBT SERVICE 1998A FUND.** The State Revolving Loan Debt Service 1998A Fund shall consist of all balances at the end of fiscal 2002 available for transfer into said fund, and a transfer of sewer user fees from Sanitation Liquid Waste General Fund, and all other miscellaneous revenues derived from said Fund, all of which does not involve a general tax levy for the City.

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES STATE REVOLVING LOAN DEBT SERVICE 1998A FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
ALL OTHER REVENUE		
Transfer from Sanitation Liquid Waste Fund	848,937	1,685,150
TOTAL	848,937	1,685,150

(j) **STATE REVOLVING LOAN DEBT SERVICE 1998B FUND.** The State Revolving Loan Debt Service 1998B Fund shall consist of all balances at the end of fiscal 2002 available for transfer into said fund, and a transfer of sewer user fees from Sanitation Liquid Waste General Fund, and all other miscellaneous revenues derived from said Fund, all of which does not involve a general tax levy for the City.

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES STATE REVOLVING LOAN DEBT SERVICE 1998B FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
ALL OTHER REVENUE		
Transfer from Sanitation Liquid Waste Fund	417,696	850,992
TOTAL	417,696	850,992

(k) **STATE REVOLVING LOAN DEBT SERVICE 2000 FUND.** The State Revolving Loan Debt Service 2000 Fund, to repay the State of Indiana for a loan from the Public Depository Trust Fund for the Circle Centre Mall, shall consist of all balances at the end of fiscal 2002 available for transfer into said fund, and a bond issue sale, and all other miscellaneous revenues derived from said Fund, all of which does not involve a general tax levy for the City.

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES STATE REVOLVING LOAN DEBT SERVICE 2000 FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
ALL OTHER REVENUE		
Transfer from Sanitation Liquid Waste Fund	1,130,707	2,256,430
TOTAL	1,130,707	2,256,430

(l) STATE REVOLVING LOAN DEBT SERVICE 2001 FUND. The State Revolving Loan Debt Service 2001 Fund, to repay the State of Indiana for a loan from the Public Depository Trust Fund for the Circle Centre Mall, shall consist of all balances at the end of fiscal 2002 available for transfer into said fund, and a portion of the Circle Centre Mall tax increment disbursements from the Auditor, all of which does not involve a general tax levy for the City.

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES STATE REVOLVING LOAN DEBT SERVICE 2001 FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 Through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
ALL OTHER REVENUE		
Transfer from Sanitation Liquid Waste Fund	184,274	3,131,800
TOTAL	184,274	3,131,800

(m) REDEVELOPMENT 1999 BOND ANTICIPATION NOTE TAKEOUT FUND. The Redevelopment 1999 Bond Anticipation Note Takeout Fund, to finance additional construction related to Circle Centre Mall, shall consist of all balances at the end of fiscal 2002 available for transfer into said fund, and a portion of the Circle Centre Mall tax increment disbursements from the Auditor, all of which does not involve a general tax levy for the City.

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES REDEVELOPMENT 1999 BOND ANTICIPATION NOTE TAKEOUT FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 Through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
ALL OTHER REVENUE		
Tax Increment	2,500,000	5,000,000
TOTAL	2,500,000	5,000,000

(n) REDEVELOPMENT 1999 REVENUE BONDS SERIES A FUND. The Redevelopment 1999 Revenue Bonds Series A Fund, also known as the Cumulative Bonds of 99 Fund for the construction of Fire Station 14, Downtown Canal improvements, and Glendale Mall expansion, shall consist of all balances at the end of fiscal 2002 available for transfer into said fund, and a transfer from the Redevelopment District Sinking Fund, all of which does not involve a general tax levy for the City.

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES REDEVELOPMENT 1999 REVENUE BONDS, SERIES A FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
ALL OTHER REVENUE		
Transfer from Redevelopment District Sinking Fund	1,163,575	2,317,000
TOTAL	1,163,575	2,317,000

SECTION 3. In accordance with law, the appropriations and allocations of revenues are summarized as follows:

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES TRANSPORTATION REVENUE BONDS OF 2001 FUND (1992 REFUND)		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	39,985	39,985
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	2,376,706	2,376,706
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	2,376,706	2,376,706
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	2,400,000	2,400,000
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	2,400,000	2,400,000
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	63,279	63,279
10. Total budget estimate for January 1 to December 31 of incoming year	4,759,413	4,759,413
11. Miscellaneous revenue for January 1 to December 31 of incoming year	4,800,000	4,800,000
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	103,866	103,866
14. Estimated December 31 cash balance, of incoming year	103,866	103,866

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES GOLF REVENUE BONDS OF 1996 FUND		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	366,498	366,498
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	275,938	275,938
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	275,938	275,938
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	202,500	202,500

8.	Estimated revenue to be received July 1 to December 31 (add lines 6-7)	202,500	202,500
9.	Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	293,060	293,060
10.	Total budget estimate for January 1 to December 31 of incoming year	277,432	277,432
11.	Miscellaneous revenue for January 1 to December 31 of incoming year	402,500	402,500
12.	Property tax to be raised from January 1 to December 31 of incoming year	0	0
13.	Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	418,128	418,128
14.	Estimated December 31 cash balance, of incoming year	418,128	418,128

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES REDEVELOPMENT TAX INCREMENT REVENUE BONDS OF 1992 FUND		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	6,709,625	6,709,625
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	18,429,557	18,429,557
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	18,429,557	18,429,557
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	11,725,188	11,725,188
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	11,725,188	11,725,188
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	5,256	5,256
10. Total budget estimate for January 1 to December 31 of incoming year	19,554,456	19,554,456
11. Miscellaneous revenue for January 1 to December 31 of incoming year	20,900,000	20,900,000
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	1,356,056	1,356,056
14. Estimated December 31 cash balance, of incoming year	1,356,056	1,356,056

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES REDEVELOPMENT TAX INCREMENT REVENUE BONDS OF 1991 FUND		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	852,449	852,449
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	1,443,345	1,443,345
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	1,443,345	1,443,345
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	659,696	659,696

8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	0	0
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	68,800	68,800
10. Total budget estimate for January 1 to December 31 of incoming year	2,862,565	2,862,565
11. Miscellaneous revenue for January 1 to December 31 of incoming year	2,920,000	2,920,000
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	125,435	125,435
14. Estimated December 31 cash balance, of incoming year	125,435	125,435

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES REDEVELOPMENT TAX INCREMENT REVENUE BONDS OF 1990 FUND		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	10,127,315	10,127,315
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	2,168,252	2,168,252
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	2,168,252	2,168,252
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	1,075,000	1,075,000
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	1,075,000	1,075,000
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	9,034,063	9,034,063
10. Total budget estimate for January 1 to December 31 of incoming year	2,845,000	2,845,000
11. Miscellaneous revenue for January 1 to December 31 of incoming year	1,350,000	1,350,000
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	7,548,063	7,548,063
14. Estimated December 31 cash balance, of incoming year	7,548,063	7,548,063

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES AMERIPLEX, INC. DEBT SERVICE FUND		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	897,487	897,487
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	926,213	926,213
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	926,213	926,213
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	800,000	800,000

8.	Estimated revenue to be received July 1 to December 31 (add lines 6-7)	800,000	800,000
9.	Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	771,274	771,274
10.	Total budget estimate for January 1 to December 31 of incoming year	937,288	937,288
11.	Miscellaneous revenue for January 1 to December 31 of incoming year	1,250,000	1,250,000
12.	Property tax to be raised from January 1 to December 31 of incoming year	0	0
13.	Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	1,083,986	1,083,986
14.	Estimated December 31 cash balance, of incoming year	1,083,986	1,083,986

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES GOLF TAX INCREMENT REVENUE BONDS OF 1998 FUND		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	1,132,228	1,132,228
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	321,339	321,339
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	321,339	321,339
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	280,000	280,000
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	280,000	280,000
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	1,090,889	1,090,889
10. Total budget estimate for January 1 to December 31 of incoming year	321,803	321,803
11. Miscellaneous revenue for January 1 to December 31 of incoming year	535,000	535,000
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	1,304,086	1,304,086
14. Estimated December 31 cash balance, of incoming year	1,304,086	1,304,086

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES 96 TH STREET TAX INCREMENT FINANCING BONDS OF 2001 FUND		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	3,109,931	3,109,931
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	1,877,616	1,877,616
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	1,877,616	1,877,616
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	1,405,000	1,405,000

8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	1,405,000	1,405,000
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	2,637,315	2,637,315
10. Total budget estimate for January 1 to December 31 of incoming year	1,879,739	1,879,739
11. Miscellaneous revenue for January 1 to December 31 of incoming year	2,917,500	2,917,500
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	3,675,076	3,675,076
14. Estimated December 31 cash balance, of incoming year	3,675,076	3,675,076

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES STATE REVOLVING LOAN DEBT SERVICE 1998A FUND		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	535,534	535,534
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	1,379,875	1,379,875
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	1,379,875	1,379,875
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	848,937	848,937
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	848,937	848,937
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	4,596	4,596
10. Total budget estimate for January 1 to December 31 of incoming year	1,685,150	1,685,150
11. Miscellaneous revenue for January 1 to December 31 of incoming year	1,685,150	1,685,150
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	4,596	4,596
14. Estimated December 31 cash balance, of incoming year	4,596	4,596

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES STATE REVOLVING LOAN DEBT SERVICE 1998B FUND		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	176,565	176,565
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	592,696	592,696
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	592,696	592,696
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	417,696	417,696

8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	417,696	417,696
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	1,565	1,565
10. Total budget estimate for January 1 to December 31 of incoming year	850,992	850,992
11. Miscellaneous revenue for January 1 to December 31 of incoming year	850,992	850,992
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	1,565	1,565
14. Estimated December 31 cash balance, of incoming year	1,565	1,565

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES STATE REVOLVING LOAN DEBT SERVICE 2000 FUND		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	68,845	68,845
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	1,171,000	1,171,000
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	1,171,000	1,171,000
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	1,130,707	1,130,707
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	1,130,707	1,130,707
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	29,552	29,552
10. Total budget estimate for January 1 to December 31 of incoming year	2,256,430	2,256,430
11. Miscellaneous revenue for January 1 to December 31 of incoming year	2,256,430	2,256,430
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	29,552	29,552
14. Estimated December 31 cash balance, of incoming year	29,552	29,552

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES STATE REVOLVING LOAN DEBT SERVICE 2001 FUND		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	63,774	63,774
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	245,699	245,699
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	245,699	245,699
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	184,274	184,274

8.	Estimated revenue to be received July 1 to December 31 (add lines 6-7)	184,274	184,274
9.	Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	2,349	2,349
10.	Total budget estimate for January 1 to December 31 of incoming year	3,131,800	3,131,800
11.	Miscellaneous revenue for January 1 to December 31 of incoming year	3,131,800	3,131,800
12.	Property tax to be raised from January 1 to December 31 of incoming year	0	0
13.	Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	2,349	2,349
14.	Estimated December 31 cash balance, of incoming year	2,349	2,349

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES REDEVELOPMENT 1999 BOND ANTICIPATION NOTE TAKEOUT FUND			
		PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002			
1.	June 30 actual cash balance of present year	3,910,801	3,910,801
2.	Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	5,468,783	5,468,783
3.	Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4.	Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5.	Total expenditures for current year (add lines 2-4)	5,468,783	5,468,783
6.	Remaining property taxes to be collected present year	0	0
7.	Miscellaneous revenue to be received July 1 through Dec. 31 of present year	2,500,000	2,500,000
8.	Estimated revenue to be received July 1 to December 31 (add lines 6-7)	2,500,000	2,500,000
9.	Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	942,018	942,018
10.	Total budget estimate for January 1 to December 31 of incoming year	5,149,560	5,149,560
11.	Miscellaneous revenue for January 1 to December 31 of incoming year	5,000,000	5,000,000
12.	Property tax to be raised from January 1 to December 31 of incoming year	0	0
13.	Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	792,458	792,458
14.	Estimated December 31 cash balance, of incoming year	792,458	792,458

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES REDEVELOPMENT 1999 REVENUE BONDS, SERIES A FUND		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	1,180,002	1,180,002
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	2,314,650	2,314,650
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	2,314,650	2,314,650
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	1,165,575	1,165,575

8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	1,165,575	1,165,575
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	30,927	30,927
10. Total budget estimate for January 1 to December 31 of incoming year	2,317,000	2,317,000
11. Miscellaneous revenue for January 1 to December 31 of incoming year	2,317,000	2,317,000
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	30,927	30,927
14. Estimated December 31 cash balance, of incoming year	30,927	30,927

SECTION 4. This ordinance shall be in full force and effect beginning January 1, 2003, after passage by the City-County Council, approval by the Mayor, and approval by the Tax Boards as required by law.

PROPOSAL NO. 409, 2002. Councillor Bradford reported that the Community Affairs Committee heard Proposal No. 409, 2002 on September 9, 2002. The proposal, sponsored by Councillor Bradford, is the annual budget for the Marion County Office of Family and Children for 2003. By a 5-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Nytes asked if the increase in the levy was presented by the agency or if it was done in the Council committee. Councillor Borst said that it was done in the Council committee.

Councillor Borst moved, seconded by Councillor Talley, for adoption. Proposal No. 409, 2002, as amended, was adopted on the following roll call vote; viz:

17 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Coughenour, Douglas, Gray, Langsford, Massie, McWhirter, Nytes, SerVaas, Short, Talley, Tilford
12 NAYS: Bradford, Conley, Coonrod, Dowden, Gibson, Horseman, Knox, Moriarty Adams, Sanders, Schneider, Smith, Soards

Proposal No. 409, 2002, as amended, was retitled FISCAL ORDINANCE NO. 95, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 95, 2002

A FISCAL ORDINANCE creating the annual budget for the Marion County Office of Family and Children for the fiscal year beginning January 1, 2003 and ending December 31, 2003 appropriating monies for the purpose of defraying the expenses and all outstanding claims and obligations for the Marion County Office of Family and Children, fixing and establishing the annual rate of taxation and tax levy for the year 2003 for each fund for which a special tax levy is authorized, and fixing a time when this ordinance shall take effect.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA

SECTION 1. County Welfare appropriations for 2003.

For expenses of the Marion County Office of Family and Children for the year beginning January 1, 2003 and ending December 31, 2003, the sums of money herein set out are hereby appropriated and ordered set apart out of the Family and Children Fund and the Family and Children Debt Service Fund for the purposes herein specified subject to the laws governing the same. The sums so appropriated shall be held to include all such expenditures authorized to be made during the said calendar year, unless otherwise expressly stipulated and provided by law.

2003 ANNUAL BUDGET MARION COUNTY OFFICE OF FAMILY AND CHILDREN		
	ORIGINAL PUBLISHED BUDGET APPROPRIATION	BUDGET APPROVED BY CITY-COUNTY COUNCIL
MARION COUNTY OFFICE OF FAMILY AND CHILDREN	FAMILY AND CHILDREN FUND	
1. Personal Services	0	0
2. Supplies	0	0
3. Other Services and Charges	61,229,000	61,229,000
4. Capital Outlay	0	0
TOTAL	61,229,000	61,229,000

MARION COUNTY OFFICE OF FAMILY AND CHILDREN	FAMILY AND CHILDREN DEBT SERVICE FUND	
1. Personal Services	0	0
2. Supplies	0	0
3. Other Services and Charges	10,287,865	10,287,865
4. Capital Outlay	0	0
TOTAL	10,287,865	10,287,865

SECTION 2. Statements of miscellaneous revenues.

The budget contained in Section 1 for the Marion County Office of Family and Children shall be financed by the use of the miscellaneous receipts of the said funds and portions of current balances as indicated in the following tables and by the revenues from taxation provided from the several tax levies fixed in Section 6 of this ordinance.

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES FAMILY AND CHILDREN FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 Through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
SPECIAL TAXES		
Financial Institution Tax	226,892	467,397
License Excise Tax	1,835,964	3,636,621
CVET	157,636	324,730
ALL OTHER REVENUE		
Federal Reimbursement	4,754,424	9,968,256
State Reimbursement	1,170,684	2,535,270
Child Welfare	347,982	506,000
Temporary Loan		
Repayments and Other Receipts	325,287	582,200
TOTAL	8,818,869	18,020,474

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES FAMILY AND CHILDREN DEBT SERVICE FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 Through Dec. 31, 2002	Jan. 01, 2003 - through Dec. 31, 2003
SPECIAL TAXES		
Financial Institution Tax	56,480	102,825
License Excise Tax	460,796	803,475
CVET	39,240	71,439
TOTAL	556,516	977,739

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES WELFARE MEDICAL CARE ASSISTANCE TO WARDS FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 Through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
SPECIAL TAXES		
Financial Institution Tax	2,428	4,856
Vehicle License Excise Tax	19,643	37,808
CVET	1,687	3,543
TOTAL	23,758	46,207

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES HOSPITAL CARE FOR THE INDIGENT FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
SPECIAL TAXES		
Financial Institution Tax	2,914	5,828
Vehicle License Excise Tax	23,571	45,370
CVET	2,024	4,250
TOTAL	28,509	55,448

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES COUNTY CHILDREN WITH SPECIAL HEALTH CARE NEEDS FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
SPECIAL TAXES		
Financial Institution Tax	6,150	12,300
Vehicle License Excise Tax	49,762	95,780
CVET	4,273	8,973
TOTAL	60,185	117,053

SECTION 3. Estimates of funds to be raised and proposed tax rates.

The appropriations made in Section 1 shall be financed from the foregoing allocations of revenues and from the proposed rates of taxation calculated as follows:

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES FAMILY AND CHILDREN FUND		
2003 NET ASSESSED VALUATION	31,377,587,302	
2002 BILLED NET ASSESSED VALUATION	28,982,117,020	
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	(210,123)	(210,123)
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	27,586,096	27,586,096
3. Additional appropriations necessary to be made July 1 to December 31 of present year	2,530,833	2,530,833
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	30,116,929	30,116,929
6. Remaining property taxes to be collected present year	19,270,986	19,270,986

7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	8,818,869	8,818,869
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	28,089,855	28,089,855
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	(2,237,198)	(2,237,198)
10. Total budget estimate for January 1 to December 31 of incoming year	61,229,000	61,229,000
11. Miscellaneous revenue for January 1 to December 31 of incoming year	18,020,474	18,020,474
12. Property tax to be raised from January 1 to December 31 of incoming year	45,466,124	45,466,124
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	20,400	20,400
14. Estimated December 31 cash balance, of incoming year	20,400	20,400
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.1402	0.1402
Proposed tax rate for incoming year	0.1559	0.1449

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES FAMILY AND CHILDREN DEBT SERVICE FUND		
2003 NET ASSESSED VALUATION	31,377,587,302	
2002 BILLED NET ASSESSED VALUATION	28,982,117,020	
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	523,624	523,624
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	5,354,669	5,354,669
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	5,354,669	5,354,669
6. Remaining property taxes to be collected present year	4,797,129	4,797,129
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	556,516	556,516
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	5,353,645	5,353,645
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	522,600	522,600
10. Total budget estimate for January 1 to December 31 of incoming year	10,287,865	10,287,865
11. Miscellaneous revenue for January 1 to December 31 of incoming year	977,739	977,739
12. Property tax to be raised from January 1 to December 31 of incoming year	8,807,421	9,476,031
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	19,895	19,895
14. Estimated December 31 cash balance, of incoming year	19,895	688,505
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0349	0.0349
Proposed tax rate for incoming year	0.0302	0.0302

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES WELFARE MEDICAL CARE ASSISTANCE TO WARDS FUND		
2003 NET ASSESSED VALUATION	29,163,645,969	
2002 BILLED NET ASSESSED VALUATION	28,982,117,020	
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year		
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended		
3. Additional appropriations necessary to be made July 1 to December 31 of present year		
4. Outstanding temporary loans to be paid and not included in lines 2 or 3		
5. Total expenditures for current year (add lines 2-4)		
6. Remaining property taxes to be collected present year		
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	23,758	23,758
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)		
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)		
10. Total budget estimate for January 1 to December 31 of incoming year		
11. Miscellaneous revenue for January 1 to December 31 of incoming year	46,207	46,207
12. Property tax to be raised from January 1 to December 31 of incoming year	449,011	449,011
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)		
14. Estimated December 31 cash balance, of incoming year		
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0015	0.0015
Proposed tax rate for incoming year	0.0015	0.0015

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES HOSPITAL CARE FOR THE INDIGENT FUND		
2003 NET ASSESSED VALUATION	29,163,645,969	
2002 BILLED NET ASSESSED VALUATION	28,982,117,020	
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year		
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended		
3. Additional appropriations necessary to be made July 1 to December 31 of present year		
4. Outstanding temporary loans to be paid and not included in lines 2 or 3		
5. Total expenditures for current year (add lines 2-4)		
6. Remaining property taxes to be collected present year		
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	28,509	28,509
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)		
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)		
10. Total budget estimate for January 1 to December 31 of incoming year		
11. Miscellaneous revenue for January 1 to December 31 of incoming year	55,448	55,448

12. Property tax to be raised from January 1 to December 31 of incoming year	538,874	538,874
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)		
14. Estimated December 31 cash balance, of incoming year		
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0018	0.0018
Proposed tax rate for incoming year	0.0018	0.0018

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES COUNTY CHILDREN WITH SPECIAL HEALTH CARE NEEDS FUND		
2003 NET ASSESSED VALUATION	29,163,645,969	
2002 BILLED NET ASSESSED VALUATION	28,982,117,020	
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year		
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended		
3. Additional appropriations necessary to be made July 1 to December 31 of present year		
4. Outstanding temporary loans to be paid and not included in lines 2 or 3		
5. Total expenditures for current year (add lines 2-4)		
6. Remaining property taxes to be collected present year		
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	60,185	60,185
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)		
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)		
10. Total budget estimate for January 1 to December 31 of incoming year		
11. Miscellaneous revenue for January 1 to December 31 of incoming year	117,053	117,053
12. Property tax to be raised from January 1 to December 31 of incoming year	1,143,471	1,143,471
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)		
14. Estimated December 31 cash balance, of incoming year		
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0038	0.0038
Proposed tax rate for incoming year	0.0039	0.0039

SECTION 5. Summary of Public Welfare appropriations and tax levies.

FUND	APPROPRIATION	AMOUNT TO BE RAISED	NET TAX RATE
Family and Children	61,229,000	45,466,124	0.1449
Family and Children Debt Service Fund	10,287,865	9,476,031	0.0302
Welfare Medical Care Assistance to Wards		449,011	0.0015
Hospital Care for the Indigent		538,874	0.0018
County Children with Special Health Care Needs		1,143,471	0.0039
TOTAL	71,516,865	57,073,511	0.1823

SECTION 6. Marion County Office of Family and Children tax levies.

(a) Family and Children Fund. For the use and benefit of the Family and Children Fund, there is hereby levied and assessed in 2002, collectible in the year 2003, the sum of fourteen and forty-nine hundredths cents (\$0.1449) on each one hundred dollars (\$100.00) of the assessed valuation of taxable

property of said Marion County, which taxes, when collected, shall be paid into the Family and Children Fund in the County Treasury.

(b) Family and Children Debt Service Fund. For the use and benefit of the Family and Children Debt Service Fund, there is hereby levied and assessed in 2002, collectible in the year 2003, the sum of three and two hundredths cents (\$0.0302) on each one hundred dollars (\$100.00) of the assessed valuation of taxable property of said Marion County, which taxes, when collected, shall be paid into the Family and Children Fund in the County Treasury.

(c) Welfare Medical Care Assistance to Wards. For the use and benefit of the Welfare Medical Care Assistance to Wards Fund, there is hereby levied and assessed in 2002, collectible in the year 2003, the sum of fifteen hundredths cents (\$0.0015) on each one hundred dollars (\$100.00) of the assessed valuation of taxable property of said Marion County, which taxes, when collected, shall be paid into the Welfare Medical Care Assistance to Wards Fund in the County Treasury and transferred to the State of Indiana.

(d) Hospital Care for the Indigent Fund. For the use and benefit of the Hospital Care for the Indigent Fund, there is hereby levied and assessed in 2002, collectible in the year 2003, the sum of eighteen hundredths cents (\$0.0018) on each one hundred dollars (\$100.00) of the assessed valuation of taxable property of said Marion County, which taxes, when collected, shall be paid into the Hospital Care for the Indigent Fund in the County Treasury and transferred to the State of Indiana.

(e) County Children with Special Health Care Needs Fund. For the use and benefit of the County Children With Special Health Care Needs Fund, there is hereby levied and assessed in 2002, collectible in the year 2003, the sum of thirty-nine hundredths cents (\$0.0039) on each one hundred dollars (\$100.00) of the assessed valuation of taxable property of said Marion County, which taxes, when collected, shall be paid into the County Children With Special Health Care Needs Fund in the County Treasury and transferred to the State of Indiana.

SECTION 7. Collection of tax levies.

The Auditor of Marion County, Indiana, is hereby ordered and directed to place all the tax levies set forth in this ordinance (as approved by the State Board of Tax Commissioners) upon the property tax duplicate.

SECTION 8. Effective date.

This ordinance shall be in full force and effect beginning January 1, 2003, after passage by the City-County Council, approval by the Mayor (or passage over his veto), and approval by the Tax Boards as required by law.

PROPOSAL NO. 412, 2002. Councillor Tilford reported that the Municipal Corporations Committee heard Proposal No. 412, 2002 on September 9, 2002. The proposal, sponsored by Councillor Tilford, reviews, modifies, and approves the operating and maintenance budget and tax levies of the Indianapolis Airport Authority District. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Bradford said that the Council should get a handle on the impact of the new midfield terminal in light of new airport regulations and anti-terrorist measures.

Councillor Borst moved, seconded by Councillor Short, for adoption. Proposal No. 412, 2002 was adopted on the following roll call vote; viz:

25 YEAS: Bainbridge, Borst, Boyd, Bradford, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Sanders, Schneider, SerVaas, Short, Smith, Soards, Tilford

0 NAYS:

4 NOT VOTING: Black, Brents, Nytes, Talley

Proposal No. 412, 2002 was retitled GENERAL RESOLUTION NO. 6, 2002, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 6, 2002

A GENERAL RESOLUTION reviewing, modifying and approving the operating and maintenance budget and tax levies of the Indianapolis Airport Authority District of Indianapolis, Indiana, and establishing the appropriations for the purpose of defraying the expenses and all outstanding claims and obligations of the said Municipal Corporation for the fiscal year beginning January 1, 2003 and ending December 31, 2003, and fixing a time when this resolution shall take effect.

WHEREAS, IC 36-3-6-9 empowers the City-County Council to review and modify the operating and maintenance budget and tax levies of the Indianapolis Airport Authority of Marion County, established pursuant to IC 8-22-3; and,

WHEREAS, the City-County Council has reviewed said budget and has determined that the same should be modified and approved as stated herein; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

INDIANAPOLIS AIRPORT AUTHORITY DISTRICT
BUDGET FOR 2003

SECTION 1. The operating budget for the expenses of the Indianapolis Airport Authority District of Indianapolis, Indiana, and its departments, division, and officials, for the fiscal year beginning January 1, 2003, and ending December 31, 2003, is hereby modified so that only the following sums of money are approved and appropriated out of the funds herein named and for the purposes herein specified subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year.

SECTION 2. For said fiscal year there is hereby appropriated out of the "Airport System Fund" of said Indianapolis Airport Authority District the sums as hereinafter appear in this section for the purposes herein named.

INDIANAPOLIS AIRPORT AUTHORITY SYSTEM FUND		
	ORIGINAL PUBLISHED BUDGET APPROPRIATION	BUDGET APPROVED BY CITY-COUNTY COUNCIL
1. Personal Services	24,186,747	24,186,747
2. Supplies	2,429,950	2,429,950
3. Other Services and Charges	116,785,303	116,785,303
4. Capital Outlay	84,500	84,500
TOTAL	143,486,500	143,486,500

SECTION 3. For said fiscal year, there is hereby appropriated out of the "Capital Improvement Fund" the following:

INDIANAPOLIS AIRPORT AUTHORITY CAPITAL IMPROVEMENT FUND		
	ORIGINAL PUBLISHED BUDGET APPROPRIATION	BUDGET APPROVED BY CITY-COUNTY COUNCIL
3. Other Services and Charges	151,510,000	151,510,000
TOTAL	151,510,000	151,510,000

SECTION 4. That foregoing budget shall be carried out without any revenues from property taxation, with the use of portions of current balances in said funds and the receipts of miscellaneous revenues from all other sources, the means of financing thereof be computed in accordance with the following schedule:

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES INDIANAPOLIS AIRPORT AUTHORITY SYSTEM FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 Through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
ALL OTHER REVENUE	50,397,139	146,254,373
Airport Revenues		
TOTAL	50,397,139	146,254,373

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES INDIANAPOLIS AIRPORT AUTHORITY CAPITAL IMPROVEMENT FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 Through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
ALL OTHER REVENUE		
Federal and State Grant Funds	21,165,705	22,355,000
Interest/Federal Payments	965,899	2,394,000
Transfer	22,963,500	14,106,000
Bank financing	0	94,155,000
Other financing, as necessary	969,954	2,500,000
PFC's	18,500,000	16,000,000
TOTAL	64,565,058	151,510,000

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES INDIANAPOLIS AIRPORT AUTHORITY SYSTEM FUND		
2003 NET ASSESSED VALUATION	\$29,163,645,969	
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	92,365,952	92,365,952
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	85,193,108	85,193,108
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	85,193,108	85,193,108
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	50,397,139	50,397,139
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	50,397,139	50,397,139
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	57,569,983	57,569,983
10. Total budget estimate for January 1 to December 31 of incoming year	143,486,500	143,486,500
11. Miscellaneous revenue for January 1 to December 31 of incoming year	146,254,373	146,254,373
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	60,337,856	60,337,856
14. Estimated December 31 cash balance, of incoming year	60,337,856	60,337,856

Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0	0
Proposed tax rate for incoming year		

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES INDIANAPOLIS AIRPORT AUTHORITY CAPITAL IMPROVEMENT FUND		
2003 NET ASSESSED VALUATION \$29,163,645,969		
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	34,150,918	34,150,918
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	58,960,966	58,960,966
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	58,960,966	58,960,966
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	64,565,058	64,565,058
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	64,565,058	64,565,058
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	39,755,010	39,755,010
10. Total budget estimate for January 1 to December 31 of incoming year	151,510,000	151,510,000
11. Miscellaneous revenue for January 1 to December 31 of incoming year	151,510,000	151,510,000
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	39,755,010	39,755,010
14. Estimated December 31 cash balance, of incoming year	39,755,010	39,755,010
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0	0
Proposed tax rate for incoming year		

SECTION 5.

SUMMARIES OF APPROPRIATIONS, MISCELLANEOUS REVENUE, TAX LEVIES, NET ASSESSED VALUE AND TAX RATE					
Fund	Appropriation	Miscellaneous Revenue	Tax Levy	Net Assessed Value	Tax Rate
Indianapolis Airport Authority System	143,486,500	146,254,373			
Indianapolis Airport Authority Capital Improvement	151,510,000	151,510,00			
Total	294,996,500	297,764,373			

SECTION 6. This resolution shall be in full force and effect beginning January 1, 2003, after passage by the City-County Council.

PROPOSAL NO. 413, 2002. Councillor Tilford reported that the Municipal Corporations Committee heard Proposal No. 413, 2002 on September 9, 2002. The proposal, sponsored by Councillor Tilford, reviews, modifies, and approves the operating and maintenance budget and

tax levies of the Capital Improvement Board of Managers of Marion County. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Schneider asked if the arts funding has increased from the last fiscal year to this year's budget. Councillor Borst said that there was \$3 million in the budget for 2003, but \$1 million was a make-up for this year, and therefore, there is no increase from this year to next year, even though it looks as though it has increased \$1 million. He said there is no net increase, but simply a rollover amount.

Councillor Borst moved, seconded by Councillor Short, for adoption. Proposal No. 413, 2002 was adopted on the following roll call vote; viz:

28 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, SerVaas, Short, Smith, Soards, Talley, Tilford
1 NAY: Schneider

Proposal No. 413, 2002 was retitled GENERAL RESOLUTION NO. 7, 2002, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 7, 2002

A GENERAL RESOLUTION reviewing, modifying and approving the operating budget of the Capital Improvement Board of Managers of Marion County, Indiana, and establishing the appropriations for the purpose of defraying the expenses and all outstanding claims and obligations of the said Board of Managers for the fiscal year beginning January 1, 2003, and ending December 31, 2003, and fixing a time when this resolution shall take effect.

WHEREAS, IC 36-10-9-8 provides that the City-County Council shall review, approve, or reject the operating budget of the Capital Improvement Board of Managers of Marion County, established pursuant to IC 36-10-9; and,

WHEREAS, the City-County Council has reviewed said budget and has determined that the same should be modified and approved as stated herein; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

CAPITAL IMPROVEMENT BOARD OF MANAGERS OF MARION COUNTY
BUDGET FOR 2003

SECTION 1. The operating budget for the expenses of the Capital Improvement Board of Managers of Marion County, Indiana, for the fiscal year beginning January 1, 2003, and ending December 31, 2003, is hereby modified so that only the following sums of money are approved and appropriated out of the funds herein named and for the purposes herein specified subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year.

SECTION 2. For said fiscal year there is hereby appropriated out of the "Capital Operating Fund" of said Board of Managers, the sums as hereinafter appear in this section for the purposes herein named.

CAPITAL IMPROVEMENT BOARD OF MANAGERS OPERATING FUND		
	ORIGINAL PUBLISHED BUDGET APPROPRIATION	BUDGET APPROVED BY CITY-COUNTY COUNCIL
1. Personal Services	15,477,500	15,477,500
2. Supplies	1,807,400	1,807,400
3. Other Services and Charges	34,337,900	34,337,900
4. Capital Outlay	7,000,000	7,000,000
TOTAL	58,622,800	58,622,800

SECTION 3. For said fiscal year, there is hereby appropriated out of the "Bond Fund" the following:

CAPITAL IMPROVEMENT BOARD OF MANAGERS BOND FUND		
	ORIGINAL PUBLISHED BUDGET APPROPRIATION	BUDGET APPROVED BY CITY-COUNTY COUNCIL
3. Other Services and Charges	29,058,400	29,058,400
TOTAL	29,058,400	29,058,400

SECTION 4. That foregoing budget shall be carried out without any revenues from property taxation, with the use of portions of current balances in said funds and the receipts of miscellaneous revenues from all other sources, the means of financing thereof be computed in accordance with the following schedule:

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES CAPITAL IMPROVEMENT BOARD OF MANAGERS OPERATING FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 Through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
ALL OTHER REVENUE		
Interest on Investments	402,586	686,000
Rental Income	1,520,264	4,451,300
Food Service and Concessions Income	3,285,389	5,374,200
Labor Reimbursements	2,722,912	5,379,600
Parking Lot Receipts	47,767	88,100
Box Office, Colts Novelties, Miscellaneous Income	586,598	969,600
Transfers from Bond Fund	7,652,157	18,527,318
Suites License Fees	1,216,303	7,188,200
Arena Lease	0	0
Advertising Income	125,000	1,400,000
Baseball Fixed Rentals	375,000	500,000
Baseball Additional Rentals	37,500	50,000
Cable Franchise Revenues	0	0
Borrowed Funds/Mall Investors	1,546,965	2,053,600
Lilly Grant/Cultural Tourism	0	2,000,000
TOTAL	19,518,441	48,667,918

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES CAPITAL IMPROVEMENT BOARD OF MANAGERS BOND FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
SPECIAL TAXES		
Cigarette Tax Revenues	175,000	350,000
Hotel-Motel Tax (5%)	8,359,895	15,440,000
Food and Beverage Tax	7,885,487	16,402,700
County Admissions Tax	1,840,766	4,565,400
Hotel-Motel Tax (1%)	1,672,019	3,088,000
Auto Rental Tax	934,516	1,970,000
PSDA Revenues	4,033,604	5,880,500
ALL OTHER REVENUE		
Interest on Investments	109,731	290,200
Transfers to Operating Fund	(7,652,157)	(18,527,318)
TOTAL	17,358,861	29,459,482

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES CAPITAL IMPROVEMENT BOARD OF MANAGERS OPERATING FUND		
2003 NET ASSESSED VALUATION		
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	24,751,192	24,751,192
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	29,735,952	29,735,952
3. Additional appropriations necessary to be made July 1 to December 31 of present year		
4. Outstanding temporary loans to be paid and not included in lines 2 or 3		
5. Total expenditures for current year (add lines 2-4)	29,735,952	29,735,952
6. Remaining property taxes to be collected present year		
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	19,518,441	19,518,441
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	19,518,441	19,518,441
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	14,533,681	14,533,681
10. Total budget estimate for January 1 to December 31 of incoming year	58,622,800	58,622,800
11. Miscellaneous revenue for January 1 to December 31 of incoming year	48,667,918	48,667,918
12. Property tax to be raised from January 1 to December 31 of incoming year		
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)		
14. Estimated December 31 cash balance, of incoming year	4,578,799	4,578,799
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate		
Proposed tax rate for incoming year		

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES CAPITAL IMPROVEMENT BOARD OF MANAGERS BOND FUND		
2003 NET ASSESSED VALUATION		
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	6,308,183	6,308,183
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	12,029,529	12,029,529
3. Additional appropriations necessary to be made July 1 to December 31 of present year		
4. Outstanding temporary loans to be paid and not included in lines 2 or 3		
5. Total expenditures for current year (add lines 2-4)	12,029,529	12,029,529
6. Remaining property taxes to be collected present year		
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	17,358,861	17,358,861
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	17,358,861	17,358,861
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	11,637,515	11,637,515
10. Total budget estimate for January 1 to December 31 of incoming year	29,058,400	29,058,400
11. Miscellaneous revenue for January 1 to December 31 of incoming year	29,459,482	29,459,482

12. Property tax to be raised from January 1 to December 31 of incoming year		
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)		
14. Estimated December 31 cash balance, of incoming year	12,038,597	12,038,597
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate		
Proposed tax rate for incoming year		

SECTION 5.

SUMMARIES OF APPROPRIATIONS, MISCELLANEOUS REVENUE, TAX LEVIES, NET ASSESSED VALUE AND TAX RATE					
Fund	Appropriation	Miscellaneous Revenue	Tax Levy	Net Assessed Value	Tax Rate
CIB Operating	58,622,800	48,667,918			
CIB Debt Service	29,058,400	29,459,482			
Total	87,681,200	78,127,400			

SECTION 6. This resolution shall be in full force and effect beginning January 1, 2003, after passage by the City-County Council.

PROPOSAL NO. 414, 2002. Councillor Tilford reported that the Municipal Corporations Committee heard Proposal No. 414, 2002 on September 9, 2002. The proposal, sponsored by Councillor Tilford, reviews, modifies, and approves the operating and maintenance budget and tax levies of the Health and Hospital Corporation of Marion County. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Talley, for adoption. Proposal No. 414, 2002 was adopted on the following roll call vote; viz:

29 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford

0 NAYS:

Proposal No. 414, 2002 was retitled GENERAL RESOLUTION NO. 8, 2002, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 8, 2002

A GENERAL RESOLUTION reviewing, modifying and approving the operating and maintenance budget and tax levies of the Health and Hospital Corporation of Marion County, Indiana, and establishing the appropriations for the purpose of defraying the expenses and all outstanding claims and obligations of the said Municipal Corporation for the fiscal year beginning January 1, 2003, and ending December 31, 2003, and fixing a time when this resolution shall take effect.

WHEREAS, IC 36-3-6-9 empowers the City-County Council to review and modify the operating and maintenance budget and tax levies of the Health and Hospital Corporation of Marion County, established pursuant to IC 8-22-3; and,

WHEREAS, the City-County Council has reviewed said budget and has determined that the same should be modified and approved as stated herein; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

HEALTH AND HOSPITAL CORPORATION
BUDGET FOR 2003

SECTION 1. The operating budget for the expenses of the Health and Hospital Corporation of Marion County, Indiana, and its departments, division, and officials, for the fiscal year beginning January 1, 2003, and ending December 31, 2003, is hereby modified so that only the following sums of money are approved and appropriated out of the funds herein named and for the purposes herein specified subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year.

SECTION 2. For said fiscal year there is hereby appropriated out of the "General Fund" of said Health and Hospital Corporation the sums as hereinafter appear in this section for the purposes herein named.

HEALTH AND HOSPITAL GENERAL FUND		
	ORIGINAL PUBLISHED BUDGET APPROPRIATION	BUDGET APPROVED BY CITY-COUNTY COUNCIL
1. Personal Services	37,314,000	37,314,000
2. Supplies	4,015,000	4,015,000
3. Other Services and Charges	182,570,000	182,570,000
4. Capital Outlay	3,301,000	3,301,000
TOTAL	227,200,000	227,200,000

SECTION 3. For said fiscal year there is hereby appropriated out of the "Enterprise Fund" of said Health and Hospital Corporation the sums as hereinafter appear in this section for the purposes herein named.

HEALTH AND HOSPITAL ENTERPRISE FUND		
	ORIGINAL PUBLISHED BUDGET APPROPRIATION	BUDGET APPROVED BY CITY-COUNTY COUNCIL
1. Personal Services	159,900,000	159,900,000
2. Supplies	68,600,000	68,600,000
3. Other Services and Charges	112,000,000	112,000,000
4. Capital Outlay	15,000,000	15,000,000
TOTAL	355,500,000	355,500,000

SECTION 4. For said fiscal year, there is hereby appropriated out of the "Bond Retirement Fund" the following:

HEALTH AND HOSPITAL BOND RETIREMENT FUND		
	ORIGINAL PUBLISHED BUDGET APPROPRIATION	BUDGET APPROVED BY CITY-COUNTY COUNCIL
3. Other Services and Charges	4,869,800	4,869,800
TOTAL	4,869,800	4,869,800

SECTION 5. For said fiscal year, there is hereby appropriated out of the "Cumulative Building Fund" the following:

HEALTH AND HOSPITAL CUMULATIVE BUILDING FUND		
	ORIGINAL PUBLISHED BUDGET APPROPRIATION	BUDGET APPROVED BY CITY-COUNTY COUNCIL
4. Capital Outlay	- 0 -	- 0 -
TOTAL	- 0 -	- 0 -

SECTION 6. That foregoing budget shall be carried out without any revenues from property taxation provided from the several tax levies as modified and fixed in City-County Fiscal Ordinance No. 101, 2002 with the use of portions of current balances in said funds and the receipts of miscellaneous revenues from all other sources, the means of financing thereof be computed in accordance with the following schedules:

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES HEALTH AND HOSPITAL GENERAL FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
SPECIAL TAXES		
Financial Institution Tax	546,219	1,120,000
License Excise Tax	3,915,908	7,200,000
ALL OTHER REVENUE		
Intergovernmental Receipts	70,971,026	100,000,000
Mental Health Tax	1,200,000	1,200,000
Miscellaneous Receipts	709,898	4,200,000
Operating Transfers-In	0	0
Grant Receipts	5,554,596	10,800,000
Interest Income	296,697	1,200,000
TOTAL	83,194,344	125,720,000

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES HEALTH AND HOSPITAL ENTERPRISE FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
ALL OTHER REVENUE		
Wishard Patient Receipts - Net	96,273,990	144,000,000
Operating Transfers-in	84,038,594	162,000,000
Wishard Non-Patient Receipts	10,091,972	24,500,000
TOTAL	190,404,556	330,500,000

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES HEALTH AND HOSPITAL BOND RETIREMENT FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
SPECIAL TAXES		
Financial Institution Tax	29,152	59,000
License Excise Tax	208,888	390,000
ALL OTHER REVENUE		
Interest Income	15,000	3,500
TOTAL	253,040	452,500

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES HEALTH AND HOSPITAL CUMULATIVE BUILDING FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
SPECIAL TAXES		
Financial Institution Tax	1,315	2,700
Excise Tax	9,424	18,000

ALL OTHER REVENUE		
Interest Income	400,000	300,000
TOTAL	410,739	320,700

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES HEALTH AND HOSPITAL GENERAL FUND		
2003 NET ASSESSED VALUATION	33,430,000,000	
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	73,686,488	73,686,488
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	149,958,690	149,958,690
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	149,958,690	149,958,690
6. Remaining property taxes to be collected present year	34,253,421	34,253,421
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	83,194,344	83,194,344
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	117,447,765	117,447,765
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	41,175,563	41,175,563
10. Total budget estimate for January 1 to December 31 of incoming year	227,200,000	227,200,000
11. Miscellaneous revenue for January 1 to December 31 of incoming year	125,720,000	125,720,000
12. Property tax to be raised from January 1 to December 31 of incoming year	83,353,437	83,353,437
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	23,049,000	23,049,000
14. Estimated December 31 cash balance, of incoming year	23,049,000	23,049,000
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.2492	0.2492
Proposed tax rate for incoming year	0.2493	0.2493

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES HEALTH AND HOSPITAL ENTERPRISE FUND		
2003 NET ASSESSED VALUATION	33,430,000,000	
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	46,072,267	46,072,267
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	178,865,260	178,865,260
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	178,865,260	178,865,260
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	190,404,556	190,404,556
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	190,404,556	190,404,556
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	57,611,563	57,611,563
10. Total budget estimate for January 1 to December 31 of incoming year	355,500,000	355,500,000

11. Miscellaneous revenue for January 1 to December 31 of incoming year	330,500,000	330,500,000
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	32,611,563	32,611,563
14. Estimated December 31 cash balance, of incoming year	32,611,563	32,611,563
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.000	0.000
Proposed tax rate for incoming year		

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES HEALTH AND HOSPITAL BOND RETIREMENT FUND		
2003 NET ASSESSED VALUATION	33,430,000,000	
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	414,152	414,152
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	2,680,815	2,680,815
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	2,680,815	2,680,815
6. Remaining property taxes to be collected present year	1,828,132	1,828,132
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	253,040	253,040
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	2,081,172	2,081,172
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	(185,491)	(185,491)
10. Total budget estimate for January 1 to December 31 of incoming year	4,687,810	4,687,810
11. Miscellaneous revenue for January 1 to December 31 of incoming year	452,500	452,500
12. Property tax to be raised from January 1 to December 31 of incoming year	4,420,801	4,420,801
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	0	0
14. Estimated December 31 cash balance, of incoming year	0	0
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0133	0.0133
Proposed tax rate for incoming year	0.0132	0.0132

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES HEALTH AND HOSPITAL CUMULATIVE BUILDING FUND		
2003 NET ASSESSED VALUATION	33,430,000,000	
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	30,721,683	30,721,683
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	14,761,199	14,761,199
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	14,761,199	14,761,199

6. Remaining property taxes to be collected present year	82,472	82,472
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	410,739	410,739
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	493,211	493,211
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	16,453,695	16,453,695
10. Total budget estimate for January 1 to December 31 of incoming year	0	0
11. Miscellaneous revenue for January 1 to December 31 of incoming year	320,700	320,700
12. Property tax to be raised from January 1 to December 31 of incoming year	200,580	200,580
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	16,974,975	16,974,975
14. Estimated December 31 cash balance, of incoming year	16,974,975	16,974,975
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0006	0.0006
Proposed tax rate for incoming year	0.0006	0.0006

SECTION 7. Summary

SUMMARIES OF APPROPRIATIONS, MISCELLANEOUS REVENUE, TAX LEVIES, NET ASSESSED VALUE AND TAX RATE					
Fund	Appropriation	Miscellaneous Revenue	Tax Levy	Net Assessed Value	Tax Rate
Health & Hospital General	7,200,000	125,720,000	83,353,437	33,430,000,000	0.2493
Health & Hospital Enterprise	355,500,000	330,500,000	0	33,430,000,000	0
Health & Hospital Bond Retirement	4,687,810	452,500	4,420,801	33,430,000,000	0.0132
Health & Hospital Cumulative Building	0	320,700	200,580	33,430,000,000	0.0006
Total	587,387,810	456,993,200	87,974,818		0.2631

SECTION 8. This resolution shall be in full force and effect beginning January 1, 2003, after passage by the City-County Council and approval by the State Tax Board as required by law.

PROPOSAL NO. 415, 2002. Councillor Tilford reported that the Municipal Corporations Committee heard Proposal No. 415, 2002 on September 9, 2002. The proposal, sponsored by Councillor Tilford, reviews, modifies, and approves the operating and maintenance budget and tax levies of the Indianapolis-Marion County Public Library Board. By a 6-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Schneider moved to amend Proposal No. 415, 2002 in two sections to reduce the rate, changing the net assessed valuation on page three to \$35,313,202,548 and the proposed tax rate on page three to .0785. On page 5, Section 5, the total tax rate would be .1150. Councillor Smith seconded the motion.

Councillor Short said that he opposes this amendment because it would reduce the operating rate by two cents while not reducing the debt service rate. Councillor Schneider said that the Library Board proposed a two-cent tax increase in the operating fund, and this amendment would eliminate that increase. Councillor Short said that the assessed value would have to grow by 29%, and the number being used in budget consideration is 17%. If it grows less than that, there will be a shortfall below the operating fund levy. There was no testimony shown in Committee

that any of the Library's operating fund levy was not necessary. Instead, it was testified that this was the minimum needed to operate and continue the same level of services for citizens.

Councillor Gibson said that there has already been public input regarding these bonds, and if the 29% assessed value does not occur, it will greatly affect the bond rating.

Councillor Soards said that the Council's appointees to the Library Board are opposed to this amendment, and as he respects their opinions, he also opposes the amendment.

Councillor Sanders said that the Municipal Corporations Committee has worked very closely with the Library for the last year and a half, and they have been more communicative with the Committee than the other municipal corporations. The budget is funded and the operating budget remains flat.

Councillor Nytes encouraged her colleagues to defeat this amendment. She said that it is a possibility that the assessed valuation will increase, and if it does, many governmental units will see some relief from their budget stress. However, if this amendment passes, the Library would see its rate cut even further and would have to live within an even tighter budget at a time when they are expanding services across the City.

Councillor Horseman said that she also opposes the amendment as it would be asking the Library to take a very big gamble and risk the expansion of the Central Library and opportunities to raise private dollars.

Councillor Coonrod said that he supports Councillor Schneider's amendment on a tax policy issue. Every other agency proposed budgets without tax increases, and throughout the committee process, that policy has been held. The Library board is going against that policy. Councillor Schneider's amendment does not reduce appropriations, but simply puts the Library on the same plan as the police, firefighters, and other agencies in order to keep tax rates level. He said that it has been acknowledged that 29% assessed value growth is a reasonable estimate, but also may present some risk. The Library has built a substantial cash cushion into its budget, though, so that even if that 29% growth is not met, any appropriation by the Library would not need to be cut. He said that this tax rate increase is not needed.

Councillor Schneider said that this is the second year in a row the Library has proposed a tax increase, and even at times has gone ahead with increases without Council approval in the past. He said that he is not asking the Library to do anything different than the Council is asking of any other branch of government, or even as individuals. The Library needs to learn to live within their means, and they can fund and operate a library system within this proposed amendment.

The motion to amend Proposal No. 415, 2002 failed on the following roll call vote; viz:

*8 YEAS: Borst, Bradford, Coonrod, Dowden, Massie, McWhirter, Schneider, Smith
21 NAYS: Bainbridge, Black, Boyd, Brents, Cockrum, Conley, Coughenour, Douglas, Gibson,
Gray, Horseman, Knox, Langsford, Moriarty Adams, Nytes, Sanders, SerVaas, Short, Soards,
Talley, Tilford*

Councillor Borst moved, seconded by Councillor Short, for adoption. Proposal No. 415, 2002, as amended, was adopted on the following roll call vote; viz:

21 YEAS: Bainbridge, Black, Boyd, Brents, Cockrum, Conley, Coughenour, Douglas, Gibson, Gray, Horseman, Knox, Langsford, Moriarty Adams, Nytes, Sanders, SerVaas, Short, Soards, Talley, Tilford

8 NAYS: Borst, Bradford, Coonrod, Dowden, Massie, McWhirter, Schneider, Smith

Proposal No. 415, 2002, as amended, was retitled GENERAL RESOLUTION NO. 9, 2002, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 9, 2002

A GENERAL RESOLUTION reviewing, modifying and approving the operating and maintenance budget and tax levies of the Indianapolis-Marion County Public Library Board of Marion County, Indiana, and establishing the appropriations for the purpose of defraying the expenses and all outstanding claims and obligations of the said Library Board for the fiscal year beginning January 1, 2003 and ending December 31, 2003.

WHEREAS, IC 36-3-6-9 empowers the City-County Council to review and modify the operating budget of the Indianapolis-Marion County Public Library Board of Marion County, established pursuant to IC 20-14; and,

WHEREAS, the City-County Council has reviewed said budget and has determined that the same should be modified and approved as stated herein; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

INDIANAPOLIS-MARION COUNTY PUBLIC LIBRARY BOARD
BUDGET FOR 2003

SECTION 1. The operating and maintenance budget for the expenses of the Indianapolis-Marion County Public Library Board of Marion County, Indiana, for the fiscal year beginning January 1, 2003, and ending December 31, 2003, is hereby modified so that only the following sums of money are approved and appropriated out of the funds herein named and for the purposes herein specified subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year.

SECTION 2. For said fiscal year there is hereby appropriated out of the "Operating Fund" of said Library Board the sums as hereinafter appear in this section for the purposes herein named.

LIBRARY OPERATING FUND		
	ORIGINAL PUBLISHED BUDGET APPROPRIATION	BUDGET APPROVED BY CITY-COUNTY COUNCIL
1. Personal Services	22,182,022	22,182,022
2. Supplies	766,088	766,088
3. Other Services and Charges	6,575,621	6,575,621
4. Capital Outlay	5,830,820	5,830,820
TOTAL	35,354,551	35,354,551

SECTION 3. For said fiscal year, there is hereby appropriated out of the "Bond Fund" the following:

LIBRARY BOND FUND		
	ORIGINAL PUBLISHED BUDGET APPROPRIATION	BUDGET APPROVED BY CITY-COUNTY COUNCIL
3. Other Services and Charges	10,881,293	10,881,293
TOTAL	10,881,293	10,881,293

SECTION 4. That foregoing budget shall be carried out without any revenues from taxation provided from the several tax levies as modified and fixed in City-County Fiscal Ordinance No. 101, 2002, with the use of portions of current balances in said funds and the receipts of miscellaneous revenues from all other sources, the means of financing thereof be computed in accordance with the following schedule:

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES LIBRARY OPERATING FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 Through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
SPECIAL TAXES		
Financial Institution Tax	138,868	267,079
License Excise Tax	1,500,000	2,607,087
CVET	123,338	259,009
ALL OTHER REVENUE		
State Distribution	91,000	-
Fines and Fees	450,000	900,000
Photocopy Fees	70,000	150,000
Interest on Investments	50,000	200,000
Telephone Commissions	500	1,000
Library Service Authority	30,000	60,000
PLAC Cards	30,000	30,000
Literacy	-	-
Miscellaneous	147,164	5,000
TOTAL	2,630,870	4,479,175

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES LIBRARY BOND FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 Through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
SPECIAL TAXES		
CVET	15,269	41,907
Financial Institution Tax	17,358	45,374
License Excise Tax	190,000	741,475
Interest on Investments	16,202	18,500
TOTAL	238,829	847,256

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES LIBRARY OPERATING FUND		
2003 NET ASSESSED VALUATION	28,200,268,504	
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	8,554,295	8,554,295
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	18,785,515	18,785,515
3. Additional appropriations necessary to be made July 1 to December 31 of present year		
4. Outstanding temporary loans to be paid and not included in lines 2 or 3		
5. Total expenditures for current year (add lines 2-4)	18,785,515	18,785,515
6. Remaining property taxes to be collected present year	13,100,141	13,100,141
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	2,630,870	2,630,870
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	15,731,011	15,731,011
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	5,499,791	5,499,791
10. Total budget estimate for January 1 to December 31 of incoming year	35,354,551	35,354,551

11. Miscellaneous revenue for January 1 to December 31 of incoming year	4,479,175	4,479,175
12. Property tax to be raised from January 1 to December 31 of incoming year	27,720,864	27,720,864
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)		
14. Estimated December 31 cash balance, of incoming year	2,345,279	2,345,279
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	.0983	.0983
Proposed tax rate for incoming year	.0983	.0983

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES LIBRARY BOND FUND		
2003 NET ASSESSED VALUATION	28,200,268,504	
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	303,346	303,346
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	2,602,911	2,602,911
3. Additional appropriations necessary to be made July 1 to December 31 of present year		
4. Outstanding temporary loans to be paid and not included in lines 2 or 3		
5. Total expenditures for current year (add lines 2-4)	2,602,911	2,602,911
6. Remaining property taxes to be collected present year	2,225,559	2,225,559
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	238,829	238,829
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	2,464,388	2,464,388
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	164,823	164,823
10. Total budget estimate for January 1 to December 31 of incoming year	10,881,293	10,881,293
11. Miscellaneous revenue for January 1 to December 31 of incoming year	847,256	847,256
12. Property tax to be raised from January 1 to December 31 of incoming year	10,299,705	10,299,705
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	430,491	430,491
14. Estimated December 31 cash balance, of incoming year	430,491	430,491
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	.0167	.0167
Proposed tax rate for incoming year	.0367	.0365

SECTION 5.

SUMMARIES OF APPROPRIATIONS, MISCELLANEOUS REVENUE, TAX LEVIES, NET ASSESSED VALUE AND TAX RATE					
Fund	Appropriation	Miscellaneous Revenue	Tax Levy	Net Assessed Value	Tax Rate
Library Operating	35,354,551	4,479,175	27,720,864	28,200,268,504	.0983
Library Bond	10,881,293	847,256	10,299,705	28,200,268,504	.0365
Total	46,235,844	5,326,431	38,020,569		.1348

SECTION 6. This resolution shall be in full force and effect beginning January 1, 2003, after passage by the City-County Council.

PROPOSAL NO. 416, 2002. Councillor Tilford reported that the Municipal Corporations Committee heard Proposal No. 416, 2002 on September 9, 2002. The proposal, sponsored by Councillor Tilford, reviews, modifies, and approves the operating and maintenance budget and tax levies of the Indianapolis Public Transportation Corporation. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Borst moved, seconded by Councillor Boyd, to amend Proposal No. 416, 2002 by changing the net assessed valuation to \$30,030,487,805; property tax to be raised to \$9,850,000; and cash balance to \$871,855. This amendment changes the assessed valuation and levy increase for IndyGo to add \$803,750 to help with cash balances and operations. Proposal No. 416, 2002 was amended by a unanimous voice vote.

Councillor Borst moved, seconded by Councillor Short, for adoption. Proposal No. 416, 2002, as amended, was adopted on the following roll call vote; viz:

23 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coughenour, Douglas, Dowden, Gibson, Gray, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, SerVaas, Short, Soards, Talley, Tilford

6 NAYS: Bradford, Coonrod, Horseman, Sanders, Schneider, Smith

Proposal No. 416, 2002, as amended, was retitled GENERAL RESOLUTION NO. 10, 2002, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 10, 2002

A GENERAL RESOLUTION reviewing, modifying and approving the operating and maintenance budget and tax levies of the Indianapolis Public Transportation Corporation of Marion County, Indiana, and establishing the appropriations for the purpose of defraying the expenses and all outstanding claims and obligations of the said Transportation Corporation Board for the fiscal year beginning January 1, 2003, and ending December 31, 2003

WHEREAS, IC 36-3-6-9 empowers the City-County Council to review and modify the operating budget of the Indianapolis Public Transportation Corporation of Marion County, established pursuant to IC 36-9-4; and

WHEREAS, the City-County Council has reviewed said budget and has determined that the same should be modified and approved as stated herein; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

INDIANAPOLIS PUBLIC TRANSPORTATION CORPORATION
BUDGET FOR 2003

SECTION 1. The operating and maintenance budget for the expenses of the Indianapolis Public Transportation Corporation of Marion County, Indiana, for the fiscal year beginning January 1, 2003 and ending December 31, 2003 is hereby modified so that only the following sums of money are approved and appropriated out of the funds herein named and for the purposes herein specified subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year.

SECTION 2. For said fiscal year there is hereby appropriated out of the "General Fund" of said Transportation Corporation the sums as hereinafter appear in this section for the purposes herein named.

INDIANAPOLIS PUBLIC TRANSPORTATION CORPORATION GENERAL FUND		
	ORIGINAL PUBLISHED BUDGET APPROPRIATION	BUDGET APPROVED BY CITY-COUNTY COUNCIL
BOARD OF DIRECTORS		
1. Personal Services		
2. Supplies		
3. Other Services and Charges	10,000	10,000
4. Capital Outlay		
TOTAL	10,000	10,000

EXECUTIVE DEPARTMENT		
1. Personal Services	174,258	174,258
2. Supplies	4,000	4,000
3. Other Services and Charges	245,000	245,000
4. Capital Outlay		
TOTAL	423,250	423,250

ADMINISTRATIVE SERVICES		
1. Personal Services	5,696,437	5,696,437
2. Supplies	123,000	123,000
3. Other Services and Charges	2,249,600	2,249,600
4. Capital Outlay		
TOTAL	8,069,037	8,069,037

MAINTENANCE AND FACILITY MANAGEMENT DEPARTMENT		
1. Personal Services	2,798,472	2,798,472
2. Supplies	3,339,500	3,339,500
3. Other Services and Charges	783,925	783,925
4. Capital Outlay		
TOTAL	6,921,897	6,921,897

INDIANAPOLIS PUBLIC TRANSPORTATION CORPORATION GENERAL FUND		
OPERATIONS DEPARTMENT		
1. Personal Services	11,334,670	11,334,670
2. Supplies	17,000	17,000
3. Other Services and Charges	109,000	109,000
4. Capital Outlay		
TOTAL	11,460,67	11,460,67

MARKETING AND SERVICES DEVELOPMENT		
1. Personal Services	467,621	467,621
2. Supplies	29,000	29,000
3. Other Services and Charges	1,361,593	1,361,593
4. Capital Outlay		
TOTAL	1,858,214	1,858,214

FLEXIBLE SERVICES DEPARTMENT		
1. Personal Services	1,803,344	1,803,344
2. Supplies	280,800	280,800
3. Other Services and Charges	5,659,000	5,659,000
4. Capital Outlay		
TOTAL	7,743,144	7,743,144

GRAND TOTAL	36,486,220	36,486,220
-------------	------------	------------

SECTION 3. For said fiscal year, there is hereby appropriated out of the "Bond Fund" the following:

INDIANAPOLIS PUBLIC TRANSPORTATION CORPORATION BOND FUND		
	ORIGINAL PUBLISHED BUDGET APPROPRIATION	BUDGET APPROVED BY CITY-COUNTY COUNCIL
1. Personal Services		
2. Supplies		
3. Other Services and Charges	1,353,448	1,353,448
4. Capital Outlay		
TOTAL	1,353,448	1,353,448

SELF-INSURED		
1. Personal Services		
2. Supplies		
3. Other Services and Charges	1,000,000	1,000,000
4. Capital Outlay		
TOTAL	1,000,000	1,000,000

CAPITAL GRANTS PROJECTS		
1. Personal Services		
2. Supplies		
3. Other Services and Charges	23,761,419	23,761,419
4. Capital Outlay		
TOTAL	23,761,419	23,761,419

SECTION 4. That foregoing budget shall be carried out without any revenues from property taxation provided from the several tax levies as modified and fixed in City-County Fiscal Ordinance No. 101, 2002, with the use of portions of current balances in said funds and the receipts of miscellaneous revenues from all other sources, the means of financing thereof be computed in accordance with the following schedule:

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES INDIANAPOLIS PUBLIC TRANSPORTATION CORPORATION GENERAL FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
	July 01, 2002 Through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
ESTIMATED AMOUNTS TO BE RECEIVED		
SPECIAL TAXES		
Financial Institution Tax	48,017	96,000
License Excise Tax	373,396	750,000
Commercial Vehicle Excise Tax	40,346	80,000
ALL OTHER REVENUE		
Federal Matching Funds P.M.	5,114,160	8,591,274
City Contract	4,645,155	8,500,000
Transportation Receipts	3,324,637	6,500,000
Route Guarantees	520,500	700,000
Transfer From Capital		
Interest of Investments		
Advertising	132,500	285,000
Non-identified (Miscellaneous)	85,727	50,000
TOTAL	14,284,438	25,552,274

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES INDIANAPOLIS PUBLIC TRANSPORTATION CORPORATION BOND FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
SPECIAL TAXES		
Financial Institution Tax	6,200	12,400
License Excise Tax	51,000	100,000
Commercial Vehicle Excise Tax	4,750	10,000
ALL OTHER REVENUE		
Interest on Investments	5,000	5,000
Contracts to Excluded Areas	21,738	21,500
TOTAL	88,688	148,900

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES INDIANAPOLIS PUBLIC TRANSPORTATION CORPORATION SELF INSURED FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
ALL OTHER REVENUE		
Interest on Investments		
Transfer from General Fund	140,088	1,000,000
TOTAL	140,088	1,000,000

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES INDIANAPOLIS PUBLIC TRANSPORTATION CORPORATION CAPITAL GRANTS PROJECTS FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
ALL OTHER REVENUE		
Interest on Investments		
Federal Capital Grants		23,761,419
TOTAL		23,761,419

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES INDIANAPOLIS PUBLIC TRANSPORTATION CORPORATION GENERAL FUND		
2003 NET ASSESSED VALUATION	30,030,487,805	
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2003		
1. June 30 actual cash balance of present year	1,336,655	1,336,655
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	17,863,223	17,863,223
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	17,863,223	17,863,223
6. Remaining property taxes to be collected present year	4,197,931	4,197,931

7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	14,284,438	14,284,438
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	18,482,369	18,482,369
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	1,955,801	1,955,801
10. Total budget estimate for January 1 to December 31 of incoming year	36,486,220	36,486,220
11. Miscellaneous revenue for January 1 to December 31 of incoming year	25,552,274	25,552,274
12. Property tax to be raised from January 1 to December 31 of incoming year	9,046,250	9,850,000
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	68,105	871,855
14. Estimated December 31 cash balance, of incoming year	68,105	871,855
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0328	0.0328
Proposed tax rate for incoming year	0.0328	0.0328

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES INDIANAPOLIS PUBLIC TRANSPORTATION CORPORATION BOND FUND		
2003 NET ASSESSED VALUATION	27,580,031,566	
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2003		
1. June 30 actual cash balance of present year	375,366	375,366
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	1,027,891	1,027,891
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	1,027,891	1,027,891
6. Remaining property taxes to be collected present year	561,570	561,570
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	88,688	88,688
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	650,258	650,258
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	(2,367)	(2,367)
10. Total budget estimate for January 1 to December 31 of incoming year	1,353,448	1,353,448
11. Miscellaneous revenue for January 1 to December 31 of incoming year	148,900	148,900
12. Property tax to be raised from January 1 to December 31 of incoming year	1,206,815	1,206,815
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	0	0
14. Estimated December 31 cash balance, of incoming year	4,634	4,634
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0044	0.0044
Proposed tax rate for incoming year	0.0043	0.0043

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES INDIANAPOLIS PUBLIC TRANSPORTATION CORPORATION SELF INSURED		
2003 NET ASSESSED VALUATION	27,580,031,566	
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2003		
1. June 30 actual cash balance of present year	0	0
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	140,088	140,088
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	140,088	140,088
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	140,088	140,088
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	140,088	140,088
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	0	0
10. Total budget estimate for January 1 to December 31 of incoming year	1,000,000	1,000,000
11. Miscellaneous revenue for January 1 to December 31 of incoming year	1,000,000	1,000,000
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	0	0
14. Estimated December 31 cash balance, of incoming year	0	0
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0	0
Proposed tax rate for incoming year	0	0

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES INDIANAPOLIS PUBLIC TRANSPORTATION CORPORATION CAPITAL GRANTS PROJECTS		
2003 NET ASSESSED VALUATION	27,580,031,566	
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2003		
1. June 30 actual cash balance of present year	0	0
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	0	0
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	0	0
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	0	0
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	0	0
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	0	0
10. Total budget estimate for January 1 to December 31 of incoming year	23,761,419	23,761,419

11. Miscellaneous revenue for January 1 to December 31 of incoming year	23,761,419	23,761,419
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	0	0
14. Estimated December 31 cash balance, of incoming year	0	0
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0	0
Proposed tax rate for incoming year	0	0

SECTION 5.

SUMMARIES OF APPROPRIATIONS, MISCELLANEOUS REVENUE, TAX LEVIES, NET ASSESSED VALUE AND TAX RATE					
Fund	Appropriation	Miscellaneous Revenue	Tax Levy	Net Assessed Value	Tax Rate
Indianapolis Public Trans. Corp. General	36,486,220	25,552,274	9,046,250	27,580,031,566	0.0328
Indianapolis Public Trans. Corp. Bond	1,359,448	1,174,524	1,206,815	27,580,031,566	0.0044
Indianapolis Public Trans. Corp. Self Ins	1,000,000	1,000,000	0	27,580,031,566	0
Indianapolis Public Trans. Corp. Capital Grants Projects	23,761,419	23,761,419	0	27,580,031,566	0
Total	62,607,087	51,488,217	10,253,065		0.0372

SECTION 6. This resolution shall be in full force and effect beginning January 1, 2003, after passage by the City-County Council.

PROPOSAL NO. 402, 2002. Councillor Borst reported that the Administration and Finance Committee heard Proposal No. 402, 2002 on September 10, 2002, and the Metropolitan Development Committee heard the proposal on September 9, 2002. The proposal, sponsored by Councillor Borst, is the annual budget for 2003 for certain constitutional officers of Marion County and appropriates the amounts set forth herein for the purposes specified. By a 4-3 vote, the Administration and Finance Committee reported the proposal to the Council with the recommendation that it do pass as amended, and by a 7-1 vote, the Metropolitan Development Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Nytes said that she is opposed to the proposal because it includes the funding for the Arrestee Processing Center, which she is not convinced is the right solution for the jail overcrowding problem and because her district is not comfortable with it. She added that she also does not believe the funding is available for the project, and no more debt should be taken on by the County at this time.

Councillor Horseman said that she also will oppose the proposal because of this Arrestee Processing Center, but is not voting in opposition of pay raises for County employees.

Councillor Borst moved, seconded by Councillor McWhirter, for adoption. Proposal No. 402, 2002, as amended, was adopted on the following roll call vote; viz:

22 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Coughenour, Douglas, Dowden, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford

7 NAYS: Conley, Coonrod, Gibson, Gray, Horseman, Nytes, Sanders

Proposal No. 402, 2002 was retitled FISCAL ORDINANCE NO. 96, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 96, 2002

A FISCAL ORDINANCE adopting the Annual Budget for 2003 for certain constitutional officers of Marion County and appropriating the amounts necessary for the expenses of those parts of Marion County government for the calendar year beginning January 1, 2003, and ending December 31, 2003.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. For the expenses of the Constitutional Officers of Marion County government and its institutions for the calendar year beginning January 1, 2003, and ending December 31, 2003, the sums of money set out in this section are hereby appropriated and ordered set apart out of the County General Fund, Property Reassessment Fund, Surveyor's Corner Perpetuation Fund, Supplemental Adult Probation Fees Fund, County Diversion Fund, Alcohol and Drug Services Fund, County Extradition Fund, Law Enforcement Fund, Conditional Release Fund, Local Emergency Planning and Right To Know Fund, Auditor's Endorsement Fee Fund, County Misdemeanor Fund, Community Corrections Home Detention Fund, Deferral Program Fee Fund, Information Services Internal Services Fund, and Enhanced Access Fund for the purposes herein specified, subject to the laws governing the same. The sums so appropriated shall be held to include all such expenditures authorized to be made during said calendar year, unless otherwise expressly stipulated and provided by law.

	ORIGINAL PUBLISHED BUDGET APPROPRIATION	BUDGET APPROVED BY CITY-COUNTY COUNCIL
(a) COUNTY ADMINISTRATOR - Dept. 01	COUNTY GENERAL FUND	
1. Personal Services	0	0
2. Supplies	0	0
3. Other Services and Charges	858,025	858,025
4. Capital Outlay	0	0
TOTAL	858,025	858,025

COUNTY ADMINISTRATOR	CUMULATIVE CAPITAL DEVELOPMENT FUND	
1. Personal Services	0	0
2. Supplies	0	0
3. Other Services and Charges	1,237,580	1,237,580
4. Capital Outlay	0	0
TOTAL	1,237,580	1,237,580

(b) COUNTY AUDITOR - Dept. 02	COUNTY GENERAL FUND	
1. Personal Services	23,432,607	23,676,981
2. Supplies	28,432	28,432
3. Other Services and Charges	37,682,601	21,485,861
4. Capital Outlay	77,727	77,727
TOTAL	61,221,367	45,269,001

COUNTY AUDITOR	PROPERTY REASSESSMENT FUND	
1. Personal Services	512,295	512,295
2. Supplies	3,100	3,100
3. Other Services and Charges	48,680	48,680
4. Capital Outlay	56,000	56,000
TOTAL	620,075	620,075

COUNTY AUDITOR	AUDITOR'S ENDORSEMENT FEE FUND	
1. Personal Services	0	0
2. Supplies	0	0
3. Other Services and Charges	195,000	195,000
4. Capital Outlay	5,000	5,000
TOTAL	200,000	200,000

COUNTY AUDITOR	COUNTY DIVERSION FUND	
1. Personal Services	149,252	149,252
2. Supplies	0	0
3. Other Services and Charges	0	0
4. Capital Outlay	0	0
TOTAL	149,252	149,252

COUNTY AUDITOR	COUNTY EXTRADITION FUND	
1. Personal Services	12,361	12,361
2. Supplies	0	0
3. Other Services and Charges	0	0
4. Capital Outlay	0	0
TOTAL	12,361	12,361

COUNTY AUDITOR	LOCAL EMERGENCY PLANNING AND RIGHT TO KNOW FUND	
1. Personal Services	0	0
2. Supplies	0	0
3. Other Services and Charges	67,500	67,500
4. Capital Outlay	0	0
TOTAL	67,500	67,500

COUNTY AUDITOR	SURVEYOR'S CORNER PERPETUATION FUND	
1. Personal Services	12,593	12,593
2. Supplies	0	0
3. Other Services and Charges	0	0
4. Capital Outlay	0	0
TOTAL	12,593	12,593

COUNTY AUDITOR	COUNTY MISDEMEANANT FUND	
1. Personal Services	22,746	22,746
2. Supplies	0	0
3. Other Services and Charges	0	0
4. Capital Outlay	0	0
TOTAL	22,746	22,746

COUNTY AUDITOR	SUPPLEMENTAL ADULT PROBATION FEES FUND	
1. Personal Services	250,379	250,379
2. Supplies	0	0
3. Other Services and Charges	0	0
4. Capital Outlay	0	0
TOTAL	250,379	250,379

COUNTY AUDITOR	HOME DETENTION FUND	
1. Personal Services	9,191	9,191
2. Supplies	0	0
3. Other Services and Charges	0	0
4. Capital Outlay	0	0
TOTAL	9,191	9,191

COUNTY AUDITOR	LAW ENFORCEMENT FUND	
1. Personal Services	82,154	82,154
2. Supplies	0	0
3. Other Services and Charges	0	0
4. Capital Outlay	0	0
TOTAL	82,154	82,154

COUNTY AUDITOR	ALCOHOL AND DRUG SERVICES FUND	
1. Personal Services	193,412	193,412
2. Supplies	0	0
3. Other Services and Charges	0	0
4. Capital Outlay	0	0
TOTAL	193,412	193,412

COUNTY AUDITOR	DEFERRAL PROGRAM FEE FUND	
1. Personal Services	403,688	403,688
2. Supplies	0	0
3. Other Services and Charges	0	0
4. Capital Outlay	0	0
TOTAL	403,688	403,688

COUNTY AUDITOR	INFORMATION SERVICES INTERNAL SERVICES FUND	
1. Personal Services	502,806	502,806
2. Supplies	0	0
3. Other Services and Charges	0	0
4. Capital Outlay	0	0
TOTAL	502,806	502,806

COUNTY AUDITOR	CONDITIONAL RELEASE FUND	
1. Personal Services	22,371	22,371
2. Supplies	0	0
3. Other Services and Charges	0	0
4. Capital Outlay	0	0
TOTAL	22,371	22,371

COUNTY AUDITOR	FORENSIC TRAINING FUND	
1. Personal Services	31,025	31,025
2. Supplies	0	0
3. Other Services and Charges	0	0
4. Capital Outlay	0	0
TOTAL	31,025	31,025

COUNTY AUDITOR	AUDITOR'S ENDORSEMENT FEE FUND	
1. Personal Services	0	0
2. Supplies	0	0
3. Other Services and Charges	195,000	195,000
4. Capital Outlay	5,000	5,000
TOTAL	200,000	200,000

(c) COUNTY COMMISSIONERS - Dept. 03	COUNTY GENERAL FUND	
1. Personal Services	65,591	66,903
2. Supplies	1,287	1,287
3. Other Services and Charges	25,461	25,461
4. Capital Outlay	2,500	2,500
TOTAL	94,839	96,151

(d) COUNTY CORONER - Dept. 07	COUNTY GENERAL FUND	
1. Personal Services	453,362	462,429
2. Supplies	39,926	39,926
3. Other Services and Charges	1,288,572	1,288,572
4. Capital Outlay	58,136	58,136
TOTAL	1,839,996	1,849,063

COUNTY RECORDER - Dept. 08	COUNTY GENERAL FUND	
1. Personal Services	933,802	952,478
2. Supplies	0	0
3. Other Services and Charges	129,030	129,030
4. Capital Outlay	0	0
TOTAL	1,062,832	1,081,508

COUNTY RECORDER	COUNTY RECORDER'S PERPETUATION FUND	
1. Personal Services	0	0
2. Supplies	38,802	38,802
3. Other Services and Charges	362,772	362,772
4. Capital Outlay	407,352	407,352
TOTAL	808,926	808,926

(e) COUNTY TREASURER - Dept. 09	COUNTY GENERAL FUND	
1. Personal Services	936,060	954,781
2. Supplies	23,049	23,049
3. Other Services and Charges	572,361	572,361
4. Capital Outlay	44,500	44,500
TOTAL	1,575,970	1,594,691

COUNTY TREASURER	ENHANCED ACCESS FUND	
1. Personal Services	0	0
2. Supplies	0	0
3. Other Services and Charges	100,000	100,000
4. Capital Outlay	0	0
TOTAL	100,000	100,000

(f) COUNTY SURVEYOR - Dept. 10	COUNTY GENERAL FUND	
1. Personal Services	387,744	395,499
2. Supplies	8,500	8,500
3. Other Services and Charges	108,833	108,833
4. Capital Outlay	2,308	2,308
TOTAL	507,385	515,140

COUNTY SURVEYOR	SURVEYOR'S CORNER PERPETUATION FUND	
1. Personal Services	40,751	40,751
2. Supplies	10,000	10,000
3. Other Services and Charges	18,400	18,400
4. Capital Outlay	60,000	60,000
TOTAL	129,151	129,151

SECTION 2. Appropriations for Certain Allocated Expenses.

As part of the appropriations authorized for the various offices by Section 1 and included under "3. Other Services and Charges" may be amounts allocated for payment of City-County Building rent, Juvenile Center rent, jail rent, telephone services, Information Services Agency charges, security charge back, and Jail II rent. The building rent, Information Services Agency, and telephone charges cannot be transferred without City-County Council approval. In total there is appropriated for 2003:

(1) City-County Building Rent	\$3,194,709
(2) Juvenile Center Rent	\$2,324,600
(3) Jail Rent	\$1,283,400
(4) Telephone Services	\$610,563
(5) Information Services Agency Charge	\$12,337,500
(6) Security Charge Back	\$445,655
(7) Jail II Rent	\$1,088,920

The Auditor is authorized to pay such charges to the extent of the total appropriations and allocate the total to the respective offices on the basis of actual use and charges without further action by this Council, unless the aggregate totals exceed the total appropriations for such purpose or the allocation to any specific office would exceed the unencumbered balance for Character 3 expenditures of any such office.

SECTION 3. In accord with Section 192-303 of the code, the maximum number of authorized employees for each agency for the calendar year 2003, shall be limited as follows:

Agency	Position Type	2003 Proposed
Auditor	Full Time FTE	36.00
Auditor	Part Time/Seasonal FTE	0.25
Commissioners	Full Time FTE	2.00
Coroner	Full Time FTE	11.00
Coroner	Part Time/Seasonal FTE	2.75
Recorder	Full Time FTE	33.00
Treasurer	Full Time FTE	29.00
Treasurer	Part Time/Seasonal FTE	2.60
Surveyor	Full Time FTE	10.00
Surveyor	Part Time/Seasonal FTE	0.25
Total		126.85

SECTION 4. This ordinance shall be in full force and effect beginning January 1, 2003, after passage by the City-County Council, and approval by the Tax Boards as required by law.

PROPOSAL NO. 403, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 403, 2002 on September 4 and 16, 2002. The proposal, sponsored by Councillor Dowden, is the annual budget for 2003 for certain Marion County judicial and law enforcement agencies and appropriates the amounts set forth herein for the purposes specified. By a 7-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Smith said that the amendment made this evening in no way impacts the on-going bargaining contract negotiations. Councillor Gray asked if the 2% increase approved in the amendment does not include contract employees. Councillor Borst said that is correct, and that this is only for civilian employees, as the contract negotiations have not been completed.

Councillor Horseman said that she will oppose this proposal because the commissary fund has once again been totally ignored, and it represents \$4 million. Councillor Smith said that this fund is used to do some great things by the Sheriff, and although it does not flow through the budget process, it is used wisely.

Councillor Black said that he has advocated pay raises every year, and even though it is not as much as the employees are entitled to, he supports the proposal.

Councillor Borst moved, seconded by Councillor Talley, for adoption. Proposal No. 403, 2002, as amended, was adopted on the following roll call vote; viz:

21 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Douglas, Dowden, Knox, Langsford, Massie, McWhirter, Moriarty Adams, SerVaas, Short, Soards, Talley, Tilford

8 NAYS: Conley, Gibson, Gray, Horseman, Nytes, Sanders, Schneider, Smith

Proposal No. 403, 2002, as amended, was retitled FISCAL ORDINANCE NO. 97, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 97, 2002

A FISCAL ORDINANCE adopting the Annual Budget for 2003 for certain judicial and law enforcement agencies of Marion County appropriating amounts necessary to defray expenses for the operation of those agencies of Marion County government for the calendar year beginning January 1, 2003, and ending December 31, 2003.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Marion County Judicial and Law Enforcement Appropriations for 2003.

For the expenses of the judicial and law enforcement agencies of Marion County government and its institutions for the calendar year beginning January 1, 2003, and ending December 31, 2003, the sums of money set out in this section are hereby appropriated and ordered set apart out of the County General Fund, Supplemental Adult Probation Fees Fund, Juvenile Probation Fees Fund, Guardian Ad Litem Fund, County Diversion Fund, Alcohol and Drug Services Fund, County Extradition Fund, Law Enforcement Fund, Drug Free Community Fund, Sheriff's Continuing Education Fund, Conditional Release Fund, County Misdemeanor Fund, Community Corrections Home Detention Fund, Deferral Program Fee Fund, Marion County Cumulative Capital Development Fund, Supplemental Public Defender Fund, Jury Pay Fund, and Juvenile Court Alternative School Services Fund for the purposes herein specified, subject to the laws governing the same. The sums so appropriated shall be held to include all such expenditures authorized to be made during said calendar year, unless otherwise expressly stipulated and provided by law.

	ORIGINAL PUBLISHED BUDGET APPROPRIATION	BUDGET APPROVED BY CITY-COUNTY COUNCIL
(a) CLERK OF THE CIRCUIT COURT Dept. 04	COUNTY GENERAL FUND	
1. Personal Services	2,876,573	3,031,735
2. Supplies	50,150	51,550
3. Other Services and Charges	1,115,519	1,121,841
4. Capital Outlay	50,786	52,111
TOTAL	4,093,028	4,257,237

(b) MARION COUNTY PUBLIC DEFENDER AGENCY - Dept. 29	COUNTY GENERAL FUND	
1. Personal Services	4,266,750	4,352,085
2. Supplies	58,902	58,902
3. Other Services and Charges	2,783,274	2,783,274
4. Capital Outlay	107,906	107,906
TOTAL	7,216,832	7,302,167

MARION COUNTY PUBLIC DEFENDER AGENCY	SUPPLEMENTAL PUBLIC DEFENDER FUND	
1. Personal Services	0	0
2. Supplies	0	0
3. Other Services and Charges	205,000	205,000
4. Capital Outlay	0	0
TOTAL	205,000	205,000

(c) PROSECUTING ATTORNEY - Dept. 30	COUNTY GENERAL FUND	
1. Personal Services	4,676,226	4,769,751
2. Supplies	107,546	107,546
3. Other Services and Charges	1,054,370	1,054,370
4. Capital Outlay	49,180	49,180
TOTAL	5,887,322	5,980,847

PROSECUTING ATTORNEY	COUNTY DIVERSION FUND	
1. Personal Services	480,099	480,099
2. Supplies	5,000	5,000
3. Other Services and Charges	200,000	200,000
4. Capital Outlay	4,916	4,916
TOTAL	690,015	690,015

PROSECUTING ATTORNEY	DEFERRAL PROGRAM FEE FUND	
1. Personal Services	1,382,128	1,382,128
2. Supplies	21,500	21,500
3. Other Services and Charges	1,111,673	1,111,673
4. Capital Outlay	107,833	107,833
TOTAL	2,623,134	2,623,134

(d) PROSECUTOR'S CHILD SUPPORT IV-D AGENCY - Dept. 31	COUNTY GENERAL FUND	
1. Personal Services	2,268,224	2,313,588
2. Supplies	63,900	63,900
3. Other Services and Charges	1,172,074	1,172,074
4. Capital Outlay	31,600	31,600
TOTAL	3,535,798	3,581,162

(e) FORENSIC SERVICES AGENCY Dept. 32	COUNTY GENERAL FUND	
1. Personal Services	2,292,994	2,338,854
2. Supplies	168,344	168,344
3. Other Services and Charges	252,520	252,520
4. Capital Outlay	188,033	188,033
TOTAL	2,901,891	2,947,751

FORENSIC SERVICES AGENCY	FORENSIC TRAINING FUND	
1. Personal Services	123,500	123,500
2. Supplies	20,000	20,000
3. Other Services and Charges	86,000	86,000
4. Capital Outlay	50,000	50,000
TOTAL	279,500	279,500

(f) COUNTY SHERIFF - Dept. 33	COUNTY GENERAL FUND	
1. Personal Services	47,601,145	48,000,855
2. Supplies	1,810,965	1,810,965
3. Other Services and Charges	13,817,466	13,817,466
4. Capital Outlay	132,943	132,943
TOTAL	63,362,519	63,762,229

COUNTY SHERIFF	COUNTY EXTRADITION FUND	
1. Personal Services	35,340	35,340
2. Supplies	7,000	7,000
3. Other Services and Charges	86,879	86,879
4. Capital Outlay	0	0
TOTAL	129,219	129,219

COUNTY SHERIFF	CUMULATIVE CAPITAL DEVELOPMENT FUND	
1. Personal Services	0	0
2. Supplies	0	0
3. Other Services and Charges	1,039,000	1,039,000
4. Capital Outlay	2,254,212	2,254,212
TOTAL	3,293,212	3,293,212

COUNTY SHERIFF	SHERIFF'S CONTINUING EDUCATION FUND	
1. Personal Services	0	0
2. Supplies	0	0
3. Other Services and Charges	30,000	30,000
4. Capital Outlay	0	0
TOTAL	30,000	30,000

COUNTY SHERIFF	DEFERRAL PROGRAM FEE FUND	
1. Personal Services	53,174	53,174
2. Supplies	133,512	133,512
3. Other Services and Charges	130,000	130,000
4. Capital Outlay	5,000	5,000
TOTAL	321,686	321,686

COUNTY SHERIFF	COUNTY MISDEMEANANT COMMUNITY CORRECTIONS FUND	
1. Personal Services	0	0
2. Supplies	125,002	125,002
3. Other Services and Charges	227,501	227,501
4. Capital Outlay	37,245	37,245
TOTAL	389,748	389,748

(g) COMMUNITY CORRECTIONS - Dept. 34	COUNTY GENERAL FUND	
1. Personal Services	82,603	84,255
2. Supplies	36,000	36,000
3. Other Services and Charges	781,080	870,316
4. Capital Outlay	12,200	12,200
TOTAL	911,883	1,002,771

COMMUNITY CORRECTIONS	COUNTY MISDEMEANANT COMMUNITY CORRECTIONS FUND	
1. Personal Services	22,950	22,950
2. Supplies	0	0
3. Other Services and Charges	162,681	162,681
4. Capital Outlay	0	0
TOTAL	185,631	185,631

COMMUNITY CORRECTIONS	PRE-TRIAL HOME DETENTION FUND	
1. Personal Services	30,636	30,636
2. Supplies	0	0
3. Other Services and Charges	31,216	31,216
4. Capital Outlay	0	0
TOTAL	61,852	61,852

(h) CIRCUIT COURT - Dept. 35	COUNTY GENERAL FUND	
1. Personal Services	447,712	456,666
2. Supplies	4,831	4,831
3. Other Services and Charges	146,802	146,802
4. Capital Outlay	44,115	44,115
TOTAL	643,460	652,414

(i) MARION COUNTY JUSTICE AGENCY - Dept. 37	COUNTY GENERAL FUND	
1. Personal Services	1,187,258	1,211,003
2. Supplies	23,000	23,000
3. Other Services and Charges	154,953	154,953
4. Capital Outlay	13,000	13,000
TOTAL	1,378,211	1,401,956

MARION COUNTY JUSTICE AGENCY	LAW ENFORCEMENT FUND	
1. Personal Services	328,616	328,616
2. Supplies	32,750	32,750
3. Other Services and Charges	294,700	294,700
4. Capital Outlay	111,000	111,000
TOTAL	767,066	767,066

MARION COUNTY JUSTICE AGENCY	DRUG FREE COMMUNITY FUND	
1. Personal Services	0	0
2. Supplies	0	0
3. Other Services and Charges	600,000	600,000
4. Capital Outlay	0	0
TOTAL	600,000	600,000

MARION COUNTY JUSTICE AGENCY	CONDITIONAL RELEASE FUND	
1. Personal Services	89,000	89,000
2. Supplies	5,660	5,660
3. Other Services and Charges	14,850	14,850
4. Capital Outlay	10,000	10,000
TOTAL	119,510	119,510

MARION COUNTY JUSTICE AGENCY	COUNTY MISDEMEANANT COMMUNITY CORRECTIONS FUND	
1. Personal Services	38,000	38,000
2. Supplies	0	0
3. Other Services and Charges	0	0
4. Capital Outlay	0	0
TOTAL	38,000	38,000

(j) MARION COUNTY SUPERIOR COURT - Dept. 39	COUNTY GENERAL FUND	
1. Personal Services	20,223,732	20,621,932
2. Supplies	860,782	860,782
3. Other Services and Charges	6,186,501	6,416,086
4. Capital Outlay	526,704	526,704
TOTAL	27,797,719	28,425,504

MARION COUNTY SUPERIOR COURT	ALCOHOL AND DRUG SERVICES FUND	
1. Personal Services	773,647	773,647
2. Supplies	110,830	110,830
3. Other Services and Charges	18,666	18,666
4. Capital Outlay	1,500	1,500
TOTAL	904,643	904,643

MARION COUNTY SUPERIOR COURT	CUMULATIVE CAPITAL DEVELOPMENT FUND	
1. Personal Services	0	0
2. Supplies	0	0
3. Other Services and Charges	1,588,000	1,588,000
4. Capital Outlay	0	0
TOTAL	1,588,000	1,588,000

MARION COUNTY SUPERIOR COURT	JUVENILE PROBATION FEES FUND	
1. Personal Services	0	0
2. Supplies	10,000	10,000
3. Other Services and Charges	40,000	40,000
4. Capital Outlay	20,000	20,000
TOTAL	70,000	70,000

MARION COUNTY SUPERIOR COURT	JUVENILE COURT ALTERNATIVE SCHOOL SERVICES FUND	
1. Personal Services	0	0
2. Supplies	0	0
3. Other Services and Charges	562,218	562,218
4. Capital Outlay	0	0
TOTAL	562,218	562,218

MARION COUNTY SUPERIOR COURT	COUNTY DIVERSION FUND	
1. Personal Services	44,029	44,029
2. Supplies	0	0
3. Other Services and Charges	0	0
4. Capital Outlay	0	0
TOTAL	44,029	44,029

MARION COUNTY SUPERIOR COURT	GUARDIAN AD LITEM FUND	
1. Personal Services	0	0
2. Supplies	0	0
3. Other Services and Charges	65,918	65,918
4. Capital Outlay	0	0
TOTAL	65,918	65,918

MARION COUNTY SUPERIOR COURT	SUPPLEMENTAL ADULT PROBATION FEES FUND	
1. Personal Services	1,001,513	1,001,513
2. Supplies	16,240	16,240
3. Other Services and Charges	149,261	149,261
4. Capital Outlay	82,759	82,759
TOTAL	1,249,773	1,249,773

MARION COUNTY SUPERIOR COURT	DEFERRAL PROGRAM FEE FUND	
1. Personal Services	114,799	114,799
2. Supplies	0	0
3. Other Services and Charges	100,000	100,000
4. Capital Outlay	0	0
TOTAL	214,799	214,799

MARION COUNTY SUPERIOR COURT	JURY PAY FUND	
1. Personal Services	0	0
2. Supplies	0	0
3. Other Services and Charges	250,000	250,000
4. Capital Outlay	0	0
TOTAL	250,000	250,000

SECTION 2. The sums appropriated for the State and Federal Grants Fund and County Grants Fund as part of this ordinance shall not be allocated until the County Auditor approves the amount and identifies the recipient of each grant.

SECTION 3. Appropriations for Certain Allocated Expenses.

As part of the appropriations authorized for the various offices by Section 1 and included under "3. Other Services and Charges" may be amounts allocated for payment of City-County Building rent, Juvenile Center rent, jail rent, telephone services, Information Services Agency charges, security charge back, and Jail II rent. The building rent, Information Services Agency, and telephone charges cannot be transferred without City-County Council approval. In total there is appropriated for 2003:

(1) City-County Building Rent	\$3,194,709
(2) Juvenile Center Rent	\$2,324,600
(3) Jail Rent	\$1,283,400
(4) Telephone Services	\$610,563
(5) Information Services Agency Charge	\$12,337,500
(6) Security Charge Back	\$445,655
(7) Jail II Rent	\$1,088,920

The Auditor is authorized to pay such charges to the extent of the total appropriations and allocate the total to the respective offices on the basis of actual use and charges without further action by this Council, unless the aggregate totals exceed the total appropriations for such purpose or the allocation to any specific office would exceed the unencumbered balance for Character 3 expenditures of any such office.

SECTION 4. In accord with Section 192-303 of the code, the maximum number of authorized employees for each agency for the calendar year 2003, shall be limited as follows:

Agency	Position Type	2003 Proposed
Clerk	Full Time FTE	135.00
Clerk	Part Time/Seasonal FTE	4.70
Public Defender	Full Time FTE	117.00
Public Defender	Part Time/Seasonal FTE	1.00
Prosecutor	Full Time FTE	204.00
Prosecutor	Part Time/Seasonal FTE	12.25
Prosecutor-Child Support	Full Time FTE	88.00
Forensic Services	Full Time FTE	52.00
Forensic Services	Part Time/Seasonal FTE	1.20
Sheriff	Full Time FTE	679.00
Sheriff	Part Time/Seasonal FTE	49.00
Sheriff	Merit FTE	408.00
Community Corrections	Full Time FTE	41.00
Circuit Court	Full Time FTE	8.00
Circuit Court	Part Time/Seasonal FTE	2.60
Justice Agency	Full Time FTE	41.00
Justice Agency	Part Time/Seasonal FTE	3.00
Superior Courts	Full Time FTE	703.00
Superior Courts	Part Time/Seasonal FTE	14.50
Total		2,564.25

SECTION 5. This ordinance shall be in full force and effect beginning January 1, 2003, after passage by the City-County Council, approval by the Mayor, and approval by the Tax Boards as required by law.

PROPOSAL NO. 404, 2002. Councillor Borst reported that the Administration and Finance Committee heard Proposal No. 404, 2002 on September 10, 2002 and the Community Affairs Committee heard the proposal on September 9, 2002. The proposal, sponsored by Councillor Borst, is the annual budget for 2003 for certain county agencies and appropriates the amounts set forth herein for the purposes specified. By a 6-1 vote, the Administration and Finance Committee reported the proposal to the Council with the recommendation that it do pass as amended, and by an 8-0 vote, the Community Affairs Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Nytes said that she voted against the proposal in Committee because of the delay in paying the Department of Corrections bills. She said that there is no agreement from the State to allow this new payment schedule, and this delay is irresponsible. She said that she is not comfortable spending money on other things when these bills are unpaid.

Councillor Sanders agreed and said that this delay simply compounds the problem and she has grave concerns about it.

Councillor Horseman said that if the State does not allow the new payment schedule, and the County has already spent it, this will cause even more problems.

Councillor Talley said that he also sits on this Committee and shares the same concerns as Councillors Nytes, Sanders, and Horseman.

Councillor Borst moved, seconded by Councillor McWhirter, for adoption. Proposal No. 404, 2002, as amended, was adopted on the following roll call vote; viz:

19 YEAS: Bainbridge, Black, Borst, Bradford, Brents, Cockrum, Coonrod, Coughenour, Dowden, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Schneider, SerVaas, Short, Soards, Tilford

10 NAYS: Boyd, Conley, Douglas, Gibson, Gray, Horseman, Nytes, Sanders, Smith, Talley

Proposal No. 404, 2002, as amended, was retitled FISCAL ORDINANCE NO. 98, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 98, 2002

A FISCAL ORDINANCE adopting the Annual Budget for 2003 for certain offices and agencies of Marion County and appropriating the amounts necessary for the expenses of the operation of Marion County government for the calendar year beginning January 1, 2003, and ending December 31, 2003.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Marion County Appropriations for 2003.

For the expenses of certain agencies of the Marion County government and its institutions for the calendar year beginning January 1, 2003, and ending December 31, 2003, the sums of money set out in this section are hereby appropriated and ordered set apart out of the County General Fund, Property Reassessment Fund, Surveyor's Corner Perpetuation Fund, Marion County Cumulative Capital Development Fund, County Recorder's Perpetuation Fund, and Information Services Internal Services Fund for the purposes herein specified, subject to the laws governing the same. The sums so appropriated shall be held to include all such expenditures authorized to be made during said calendar year, unless otherwise expressly stipulated and provided by law.

	ORIGINAL PUBLISHED BUDGET APPROPRIATION	BUDGET APPROVED BY CITY-COUNTY COUNCIL
(a) COUNTY ELECTION BOARD - Dept. 05	COUNTY GENERAL FUND	
1. Personal Services	1,036,120	1,041,385
2. Supplies	35,000	35,000
3. Other Services and Charges	938,455	938,455
4. Capital Outlay	6,950	14,950
TOTAL	2,016,525	2,029,790

(b) VOTER'S REGISTRATION - Dept. 06	COUNTY GENERAL FUND	
1. Personal Services	534,827	545,524
2. Supplies	30,000	30,000
3. Other Services and Charges	196,709	196,709
4. Capital Outlay	289,406	289,406
TOTAL	1,050,942	1,061,639

(c) COUNTY ASSESSOR - Dept. 15	COUNTY GENERAL FUND	
1. Personal Services	401,713	409,747
2. Supplies	5,377	5,377
3. Other Services and Charges	102,047	102,047
4. Capital Outlay	16,908	16,908
TOTAL	526,045	534,079

COUNTY ASSESSOR	PROPERTY REASSESSMENT FUND	
1. Personal Services	141,328	141,328
2. Supplies	23,500	23,500
3. Other Services and Charges	125,700	125,700
4. Capital Outlay	201,700	201,700
TOTAL	492,228	492,228

(d) CENTER TOWNSHIP ASSESSOR Dept. 16		COUNTY GENERAL FUND	
1. Personal Services	1,025,873		1,046,390
2. Supplies	13,870		10,870
3. Other Services and Charges	187,440		193,506
4. Capital Outlay	3,066		0
TOTAL	1,230,249		1,250,766

CENTER TOWNSHIP ASSESSOR		PROPERTY REASSESSMENT FUND	
1. Personal Services	91,977		91,977
2. Supplies	10,000		10,000
3. Other Services and Charges	20,000		20,000
4. Capital Outlay	20,000		20,000
TOTAL	141,977		141,977

(e) DECATUR TOWNSHIP ASSESSOR Dept. 17		COUNTY GENERAL FUND	
1. Personal Services	205,704		209,818
2. Supplies	3,986		3,986
3. Other Services and Charges	22,862		22,862
4. Capital Outlay	2,007		2,007
TOTAL	234,559		238,673

DECATUR TOWNSHIP ASSESSOR		PROPERTY REASSESSMENT FUND	
1. Personal Services	158,355		158,355
2. Supplies	37,500		37,500
3. Other Services and Charges	674,550		674,550
4. Capital Outlay	60,000		60,000
TOTAL	930,405		930,405

(f) FRANKLIN TOWNSHIP ASSESSOR Dept. 18		COUNTY GENERAL FUND	
1. Personal Services	252,984		258,044
2. Supplies	3,608		3,608
3. Other Services and Charges	98,008		98,008
4. Capital Outlay	0		0
TOTAL	354,600		359,660

FRANKLIN TOWNSHIP ASSESSOR		PROPERTY REASSESSMENT FUND	
1. Personal Services	195,294		195,294
2. Supplies	5,000		5,000
3. Other Services and Charges	18,822		18,822
4. Capital Outlay	6,500		6,500
TOTAL	225,616		225,616

(g) LAWRENCE TOWNSHIP ASSESSOR Dept. 19		COUNTY GENERAL FUND	
1. Personal Services	329,208		335,792
2. Supplies	7,005		7,005
3. Other Services and Charges	103,510		103,510
4. Capital Outlay	0		0
TOTAL	439,723		446,307

LAWRENCE TOWNSHIP ASSESSOR		PROPERTY REASSESSMENT FUND	
1. Personal Services	254,770		254,770
2. Supplies	15,000		15,000
3. Other Services and Charges	75,000		75,000
4. Capital Outlay	25,000		25,000
TOTAL	369,770		369,770

(h) PERRY TOWNSHIP ASSESSOR Dept. 20		COUNTY GENERAL FUND	
1. Personal Services	320,204		326,608
2. Supplies	7,215		7,215
3. Other Services and Charges	41,451		41,451
4. Capital Outlay	1,817		1,817
TOTAL	370,687		377,091

PERRY TOWNSHIP ASSESSOR		PROPERTY REASSESSMENT FUND	
1. Personal Services	286,392		286,392
2. Supplies	10,000		10,000
3. Other Services and Charges	67,000		67,000
4. Capital Outlay	18,000		18,000
TOTAL	381,392		381,392

(i) PIKE TOWNSHIP ASSESSOR - Dept. 21		COUNTY GENERAL FUND	
1. Personal Services	331,410		338,038
2. Supplies	5,348		5,348
3. Other Services and Charges	73,900		73,900
4. Capital Outlay	0		0
TOTAL	410,658		417,286

PIKE TOWNSHIP ASSESSOR		PROPERTY REASSESSMENT FUND	
1. Personal Services	260,936		260,936
2. Supplies	14,200		14,200
3. Other Services and Charges	103,570		103,570
4. Capital Outlay	25,000		25,000
TOTAL	403,706		403,706

(j) WARREN TOWNSHIP ASSESSOR Dept. 22		COUNTY GENERAL FUND	
1. Personal Services	411,416		419,644
2. Supplies	8,394		8,394
3. Other Services and Charges	104,770		104,770
4. Capital Outlay	4,387		4,387
TOTAL	528,967		537,195

WARREN TOWNSHIP ASSESSOR		PROPERTY REASSESSMENT FUND	
1. Personal Services	210,442		210,442
2. Supplies	15,215		15,215
3. Other Services and Charges	20,330		20,330
4. Capital Outlay	5,500		5,500
TOTAL	251,487		251,487

(k) WASHINGTON TOWNSHIP ASSESSOR - Dept. 23		COUNTY GENERAL FUND	
1. Personal Services	551,077		562,099
2. Supplies	9,300		9,300
3. Other Services and Charges	110,326		110,326
4. Capital Outlay	0		0
TOTAL	670,703		681,725

WASHINGTON TOWNSHIP ASSESSOR		PROPERTY REASSESSMENT FUND	
1. Personal Services	225,376		225,376
2. Supplies	4,500		4,500
3. Other Services and Charges	64,200		64,200
4. Capital Outlay	20,000		20,000
TOTAL	314,076		314,076

(l) WAYNE TOWNSHIP ASSESSOR Dept. 24		COUNTY GENERAL FUND	
1. Personal Services	502,167		512,210
2. Supplies	2,450		2,450
3. Other Services and Charges	116,319		116,319
4. Capital Outlay	0		0
TOTAL	620,936		630,979

WAYNE TOWNSHIP ASSESSOR		PROPERTY REASSESSMENT FUND	
1. Personal Services	262,722		262,722
2. Supplies	16,746		16,746
3. Other Services and Charges	60,738		60,738
4. Capital Outlay	21,556		21,556
TOTAL	361,762		361,762

(l) COOPERATIVE EXTENSION SERVICE - Dept. 81		COUNTY GENERAL FUND	
1. Personal Services	238,625		243,398
2. Supplies	42,452		42,452
3. Other Services and Charges	779,478		779,478
4. Capital Outlay	4,411		4,411
TOTAL	1,064,966		1,069,739

(n) MARION COUNTY CHILDREN'S GUARDIAN HOME - Dept. 85		COUNTY GENERAL FUND	
1. Personal Services	1,271,415		1,296,843
2. Supplies	215,783		215,783
3. Other Services and Charges	322,246		322,246
4. Capital Outlay	0		0
TOTAL	1,809,444		1,834,872

(o) INFORMATION SERVICES AGENCY - Dept. 12		INFORMATION SERVICES INTERNAL SERVICES FUND	
1. Personal Services	2,011,223		2,011,223
2. Supplies	81,300		81,300
3. Other Services and Charges	29,913,218		29,913,218
4. Capital Outlay	212,167		212,167
TOTAL	32,217,908		32,217,908

SECTION 2. Appropriations for Certain Allocated Expenses.

As part of the appropriations authorized for the various offices by Section 1 and included under "3. Other Services and Charges" may be amounts allocated for payment of City-County Building rent, Juvenile Center rent, jail rent, telephone services, Information Services Agency charges, security charge back, and Jail II rent. The building rent, Information Services Agency, and telephone charges cannot be transferred without City-County Council approval. In total there is appropriated for 2003:

(1) City-County Building Rent	\$3,194,709
(2) Juvenile Center Rent	\$2,324,600
(3) Jail Rent	\$1,283,400
(4) Telephone Services	\$610,563
(5) Information Services Agency Charge	\$12,337,500
(6) Security Charge Back	\$445,655
(7) Jail II Rent	\$1,088,920

The Auditor is authorized to pay such charges to the extent of the total appropriations and allocate the total to the respective offices on the basis of actual use and charges without further action by this Council, unless the aggregate totals exceed the total appropriations for such purpose or the allocation to any specific office would exceed the unencumbered balance for Character 3 expenditures of any such office.

SECTION 3. In accord with Section 192-303 of the code, the maximum number of authorized employees for each agency for the calendar year 2003, shall be limited as follows:

Agency	Position Type	2003 Proposed
Election Board	Full Time FTE	6.00
Election Board	Part Time/Seasonal FTE	55.00
Voters Registration	Full Time FTE	15.00
County Assessor	Full Time FTE	17.00
Center Twp. Assessor	Full Time FTE	39.00
Center Twp. Assessor	Part Time/Seasonal FTE	2.80
Decatur Twp. Assessor	Full Time FTE	7.00
Decatur Twp. Assessor	Part Time/Seasonal FTE	0.75
Franklin Twp. Assessor	Full Time FTE	11.00
Franklin Twp. Assessor	Part Time/Seasonal FTE	0.50
Lawrence Twp. Assessor	Full Time FTE	13.00
Lawrence Twp. Assessor	Part Time/Seasonal FTE	0.75
Perry Twp. Assessor	Full Time FTE	12.00
Perry Twp. Assessor	Part Time/Seasonal FTE	2.50
Pike Twp. Assessor	Full Time FTE	13.00
Pike Twp. Assessor	Part Time/Seasonal FTE	1.50
Warren Twp. Assessor	Full Time FTE	13.00
Warren Twp. Assessor	Part Time/Seasonal FTE	1.25
Washington Twp. Assessor	Full Time FTE	23.00
Washington Twp. Assessor	Part Time/Seasonal FTE	1.75
Wayne Twp. Assessor	Full Time FTE	25.00
Cooperative Extension	Full Time FTE	10.00
Cooperative Extension	Part Time/Seasonal FTE	2.00
Guardian Home	Full Time FTE	57.00
Guardian Home	Part Time/Seasonal FTE	2.00
ISA	Full Time FTE	40.00
ISA	Part Time/Seasonal FTE	1.00
Total		372.80

SECTION 4. This ordinance shall be in full force and effect beginning January 1, 2003, after passage by the City-County Council, approval by the Mayor, and approval by the Tax Boards as required by law.

PROPOSAL NO. 401, 2002. Councillor Borst reported that the Administration and Finance, Metropolitan Development, Parks and Recreation, Public Safety and Criminal Justice, and Public Works Committees heard Proposal No. 401, 2002 on September 4, 5, 9, 10, and 16, 2002. The proposal, sponsored by Councillors Borst and Boyd, is the annual budget for 2003 for the Consolidated City and appropriates the amounts set forth herein for the purposes specified. By unanimous votes, the Metropolitan Development, Public Safety and Criminal Justice, and Public Works Committees reported the proposal to the Council with the recommendation that it do pass. By an 8-0 vote, the Parks and Recreation Committee reported the proposal to the Council with the recommendation that it do pass as amended. By a 6-1 vote, the Administration and Finance Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Borst stated that there are some Council members who need to abstain from voting on certain portions of the budget to avoid the appearance of a conflict of interest. He therefore made the following motion:

Mr. President:

I move to divide the question on the adoption of Proposal No. 401, 2002, by voting on the budgets as follows:

Question 1 - The appropriations of \$2,376,600 in Section 1, subsection (j) for the Department of Public Works, Policy and Planning Division (Consolidated County Fund) (pg. 6 of Proposal No. 401, 2002).

Question 2 - The appropriations of \$15,990,143 in Section 1, subsection (k) for the Department of Public Safety, Police Division (Consolidated County Fund, Non-Lapsing Federal Grants Fund, and Federal Grants Fund) (pg. 11 of Proposal No. 401, 2002).

Question 3 - The balance of Proposal No. 401, 2002.

Councillor Boyd seconded the motion, and the question on the adoption of Proposal No. 401, 2002, as amended, was divided by a unanimous voice vote.

Councillor Borst moved, seconded by Councillor Boyd, for adoption of Question 1 of Proposal No. 401, 2002, as amended.

Councillor Tilford said that he will abstain from voting on Question 1. Proposal No. 401, 2002, Question 1, as amended, was adopted on the following roll call vote; viz:

23 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coughenour, Douglas, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, SerVaas, Short, Soards, Talley
5 NAYS: Bradford, Coonrod, Dowden, Schneider, Smith
1 NOT VOTING: Tilford

Councillor Borst moved, seconded by Councillor Boyd, for adoption of Question 2. Councillor Moriarty Adams said that she will abstain from voting on Question 2. Proposal No. 401, 2002, Question 2, as amended, was adopted on the following roll call vote; viz:

25 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Nytes, Sanders, SerVaas, Short, Soards, Talley, Tilford
3 NAYS: Bradford, Schneider, Smith
1 NOT VOTING: Moriarty Adams

Councillor Borst moved, seconded by Councillor Boyd, for adoption of the balance of Proposal No. 401, 2002, as amended. Proposal No. 401, 2002, Question 3, as amended, was adopted on the following roll call vote; viz:

24 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coughenour, Douglas, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, SerVaas, Short, Soards, Talley, Tilford
5 NAYS: Bradford, Coonrod, Dowden, Schneider, Smith

Proposal No. 401, 2002, as amended, was retitled FISCAL ORDINANCE NO. 99, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 99, 2002

A FISCAL ORDINANCE adopting the Annual Budget for 2003 for the Consolidated City of Indianapolis and appropriating the amounts necessary for the expenses of the operation of the Consolidated City for the fiscal year beginning January 1, 2003, and ending December 31, 2003.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

ANNUAL BUDGET
OF THE CONSOLIDATED CITY OF INDIANAPOLIS

SECTION 1. General Appropriations for 2003.

For the expenses of government of the Consolidated City of Indianapolis and its departments, divisions, officials, special taxing districts, and institutions for the fiscal year beginning January 1, 2003, and ending December 31, 2003, the sums of money set out in this Section are hereby appropriated out of the respective funds, namely the Consolidated County Fund, Federal Grants Fund, Non-Lapsing Federal Grants Fund, Redevelopment General Fund, Sanitation Liquid Waste Fund, State Grants Fund, Non-Lapsing State Grants Fund, Solid Waste Disposal Fund, Flood Control General Fund, Maintenance Operations Fund, Transportation General Fund, Parking Meter Fund, Stormwater Management Fund, Park General Fund, City Cumulative Capital Development Fund, and Consolidated County Cumulative Capital Development Fund for the purposes herein specified, subject to the laws governing the same. The sums so appropriated shall be held to include all such expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided by law.

	ORIGINAL PUBLISHED BUDGET APPROPRIATION	BUDGET APPROVED BY CITY-COUNTY COUNCIL
(a) OFFICE OF THE MAYOR	CONSOLIDATED COUNTY FUND	
1. Personal Services	1,038,422	1,038,422
2. Supplies	5,116	5,116
3. Other Services and Charges	193,871	193,871
4. Capital Outlay	10,439	10,439
5. Internal Charges	900	900
TOTAL	1,248,748	1,248,748

(b) INTERNAL AUDIT	CONSOLIDATED COUNTY FUND	
1. Personal Services	559,601	559,601
2. Supplies	3,100	3,100
3. Other Services and Charges	179,746	179,746
4. Capital Outlay	8,300	8,300
5. Internal Charges	600	600
TOTAL	751,347	751,347

(c) CITY-COUNTY COUNCIL	CONSOLIDATED COUNTY FUND	
1. Personal Services	1,060,951	1,060,951
2. Supplies	8,500	8,500
3. Other Services and charges	702,443	702,443
4. Capital Outlay	37,500	37,500
5. Internal Charges	0	0
TOTAL	1,809,394	1,809,394

(d) CABLE COMMUNICATIONS AGENCY	CONSOLIDATED COUNTY FUND	
1. Personal Services	455,766	455,766
2. Supplies	28,325	28,325
3. Other Services and Charges	320,142	320,142
4. Capital Outlay	92,400	92,400
5. Internal Charges	2,030	2,030
TOTAL	898,663	898,663

(e) OFFICE OF CORPORATION COUNSEL		CONSOLIDATED COUNTY FUND	
1. Personal Services	2,819,826	2,819,826	
2. Supplies	23,225	23,225	
3. Other Services and Charges	2,113,690	2,113,690	
4. Capital Outlay	45,200	45,200	
5. Internal Charges	(2,089,189)	(2,089,189)	
TOTAL	2,912,752	2,912,752	

OFFICE OF CORPORATION COUNSEL		FEDERAL GRANTS FUND	
1. Personal Services	101,413	101,413	
2. Supplies	1,000	1,000	
3. Other Services and Charges	12,419	12,419	
4. Capital Outlay	0	0	
5. Internal Charges	0	0	
TOTAL	114,832	114,832	

(f) OFFICE OF THE CONTROLLER		CONSOLIDATED COUNTY FUND	
1. Personal Services	1,772,540	1,772,540	
2. Supplies	17,800	17,800	
3. Other Services and Charges	9,777,090	11,207,890	
4. Capital Outlay	40,000	40,000	
5. Internal Charges	36,900	36,900	
TOTAL	11,644,330	13,075,130	

OFFICE OF THE CONTROLLER		CITY CUMULATIVE CAPITAL DEVELOPMENT FUND	
1. Personal Services	0	0	
2. Supplies	0	0	
3. Other Services and Charges	309,085	309,085	
4. Capital Outlay	0	0	
5. Internal Charges	0	0	
TOTAL	309,085	309,085	

(g) PURCHASING DIVISION		CONSOLIDATED COUNTY FUND	
1. Personal Services	816,098	816,098	
2. Supplies	5,200	5,200	
3. Other Services and Charges	240,950	240,950	
4. Capital Outlay	13,450	13,450	
5. Internal Charges	200	200	
TOTAL	1,075,898	1,075,898	

(h) DEPARTMENT OF ADMINISTRATION Administrative Services Division		CONSOLIDATED COUNTY FUND	
1. Personal Services	1,008,363	1,008,363	
2. Supplies	13,400	13,400	
3. Other Services and Charges	620,609	620,609	
4. Capital Outlay	46,700	46,700	
5. Internal Charges	283,093	283,093	
TOTAL	1,972,165	1,972,165	

DEPARTMENT OF ADMINISTRATION Human Resources Division		CONSOLIDATED COUNTY FUND	
1. Personal Services	1,115,927	1,115,927	
2. Supplies	29,720	29,720	
3. Other Services and Charges	592,868	592,868	
4. Capital Outlay	21,166	21,166	
5. Internal Charges	23,632	23,632	
TOTAL	1,783,313	1,783,313	

DEPARTMENT OF ADMINISTRATION Equal Opportunity Division	CONSOLIDATED COUNTY FUND	
1. Personal Services	293,339	293,339
2. Supplies	4,180	4,180
3. Other Services and Charges	86,560	86,560
4. Capital Outlay	2,500	2,500
5. Internal Charges	7,932	7,932
TOTAL	394,511	394,511

DEPARTMENT OF ADMINISTRATION Indianapolis Fleet Services Division	CONSOLIDATED COUNTY FUND	
1. Personal Services	4,356,612	4,356,612
2. Supplies	7,789,100	7,789,100
3. Other Services and Charges	2,585,669	2,585,669
4. Capital Outlay	344,800	344,800
5. Internal Charges	(12,489,917)	(12,489,917)
TOTAL	2,586,264	2,586,264

DEPARTMENT OF ADMINISTRATION Indianapolis Fleet Services Division	CITY CUMULATIVE CAPITAL DEVELOPMENT FUND	
1. Personal Services	0	0
2. Supplies	0	0
3. Other Services and Charges	858,000	858,000
4. Capital Outlay	0	0
5. Internal Charges	0	0
TOTAL	858,000	858,000

(i) DEPARTMENT OF METROPOLITAN DEVELOPMENT Division of Neighborhood Services	FEDERAL GRANTS FUND	
1. Personal Services	160,184	160,184
2. Supplies	0	0
3. Other Services and Charges	0	0
4. Capital Outlay	0	0
5. Internal Charges	0	0
TOTAL	160,184	160,184

DEPARTMENT OF METROPOLITAN DEVELOPMENT Division of Neighborhood Services	CONSOLIDATED COUNTY FUND	
1. Personal Services	1,365,923	1,365,923
2. Supplies	10,105	10,105
3. Other Services and Charges	576,775	576,775
4. Capital Outlay	71,554	71,554
5. Internal Charges	(1,183,294)	(1,183,294)
TOTAL	841,063	841,063

DEPARTMENT OF METROPOLITAN DEVELOPMENT, Division of Planning	CONSOLIDATED COUNTY FUND	
1. Personal Services	845,629	845,629
2. Supplies	10,340	10,340
3. Other Services and Charges	868,675	868,675
4. Capital Outlay	42,954	42,954
5. Internal Charges	129,234	129,234
TOTAL	1,896,832	1,896,832

DEPARTMENT OF METROPOLITAN DEVELOPMENT, Division of Planning	FEDERAL GRANTS FUND	
1. Personal Services	1,193,661	1,193,661
2. Supplies	10,500	10,500
3. Other Services and Charges	1,162,109	1,162,109
4. Capital Outlay	16,112	16,112
5. Internal Charges	0	0
TOTAL	2,382,382	2,382,382

DEPARTMENT OF METROPOLITAN DEVELOPMENT, Division of Planning	TRANSPORTATION GENERAL FUND	
1. Personal Services	91,122	91,122
2. Supplies	600	600
3. Other Services and Charges	252,565	252,565
4. Capital Outlay	4,028	4,028
5. Internal Charges	0	0
TOTAL	348,315	348,315

DEPARTMENT OF METROPOLITAN DEVELOPMENT Historic Preservation Commission	CONSOLIDATED COUNTY FUND	
1. Personal Services	118,199	118,199
2. Supplies	1,200	1,200
3. Other Services and Charges	31,839	31,839
4. Capital Outlay	4,114	4,114
5. Internal Charges	8,604	8,604
TOTAL	163,956	163,956

DEPARTMENT OF METROPOLITAN DEVELOPMENT Historic Preservation Commission	FEDERAL GRANTS FUND	
1. Personal Services	172,785	172,785
2. Supplies	0	0
3. Other Services and Charges	34,877	34,877
4. Capital Outlay	0	0
5. Internal Charges	0	0
TOTAL	207,662	207,662

DEPARTMENT OF METROPOLITAN DEVELOPMENT Division of Administrative Services	CONSOLIDATED COUNTY FUND	
1. Personal Services	444,991	444,991
2. Supplies	4,420	4,420
3. Other Services and Charges	2,435,763	2,435,763
4. Capital Outlay	16,835	16,835
5. Internal Charges	198,912	198,912
TOTAL	3,100,921	3,100,921

DEPARTMENT OF METROPOLITAN DEVELOPMENT Division of Administrative Services	REDEVELOPMENT GENERAL FUND	
1. Personal Services	482,736	482,736
2. Supplies	5,900	5,900
3. Other Services and Charges	420,496	420,496
4. Capital Outlay	59,453	59,453
5. Internal Charges	(68,478)	(68,478)
TOTAL	900,107	900,107

DEPARTMENT OF METROPOLITAN DEVELOPMENT Division of Administrative Services	FEDERAL GRANTS FUND	
1. Personal Services	87,795	87,795
2. Supplies	0	0
3. Other Services and Charges	967,000	967,000
4. Capital Outlay	0	0
5. Internal Charges	0	0
TOTAL	1,054,795	1,054,795

DEPARTMENT OF METROPOLITAN DEVELOPMENT Division of Administrative Services	CITY CUMULATIVE CAPITAL DEVELOPMENT FUND	
1. Personal Services	0	0
2. Supplies	0	0
3. Other Services and Charges	131,000	131,000
4. Capital Outlay	0	0
5. Internal Charges	0	0
TOTAL	131,000	131,000

DEPARTMENT OF METROPOLITAN DEVELOPMENT Division of Community Development	CONSOLIDATED COUNTY FUND	
1. Personal Services	299,460	299,460
2. Supplies	627	627
3. Other Services and Charges	315,814	315,814
4. Capital Outlay	16,700	16,700
5. Internal Charges	(203,134)	(203,134)
TOTAL	429,467	429,467

DEPARTMENT OF METROPOLITAN DEVELOPMENT Division of Community Development	REDEVELOPMENT GENERAL FUND	
1. Personal Services	35,747	35,747
2. Supplies	82	82
3. Other Services and Charges	305,308	305,308
4. Capital Outlay	0	0
5. Internal Charges	504	504
TOTAL	341,641	341,641

DEPARTMENT OF METROPOLITAN DEVELOPMENT Division of Community Development	FEDERAL GRANTS FUND	
1. Personal Services	924,716	924,716
2. Supplies	3,365	3,365
3. Other Services and Charges	20,189,320	20,189,320
4. Capital Outlay	1,200,000	1,200,000
5. Internal Charges	50,831	50,831
TOTAL	22,368,232	22,368,232

DEPARTMENT OF METROPOLITAN DEVELOPMENT, Division of Compliance	CONSOLIDATED COUNTY FUND	
1. Personal Services	4,434,464	4,434,464
2. Supplies	75,550	75,550
3. Other Services and Charges	4,078,629	4,078,629
4. Capital Outlay	384,330	384,330
5. Internal Charges	706,657	706,657
TOTAL	9,679,630	9,679,630

(j) DEPARTMENT OF PUBLIC WORKS Policy and Planning		CONSOLIDATED COUNTY FUND	
1. Personal Services	5,178,552	5,178,552	
2. Supplies	89,800	89,800	
3. Other Services and Charges	3,677,386	3,677,386	
4. Capital Outlay	210,889	210,889	
5. Internal Charges	(6,780,027)	(6,780,027)	
TOTAL	2,376,600	2,376,600	

DEPARTMENT OF PUBLIC WORKS Policy and Planning		TRANSPORTATION GENERAL FUND	
1. Personal Services	0	0	
2. Supplies	0	0	
3. Other Services and Charges	80,000	80,000	
4. Capital Outlay	0	0	
5. Internal Charges	0	0	
TOTAL	80,000	80,000	

DEPARTMENT OF PUBLIC WORKS Policy and Planning		STORM WATER MANAGEMENT FUND	
1. Personal Services	57,262	57,262	
2. Supplies	0	0	
3. Other Services and Charges	0	0	
4. Capital Outlay	0	0	
5. Internal Charges	0	0	
TOTAL	57,262	57,262	

DEPARTMENT OF PUBLIC WORKS Policy and Planning		SANITATION LIQUID WASTE FUND	
1. Personal Services	739,966	739,966	
2. Supplies	28,800	28,800	
3. Other Services and Charges	775,460	775,460	
4. Capital Outlay	88,198	88,198	
5. Internal Charges	34,012	34,012	
TOTAL	1,666,436	1,666,436	

DEPARTMENT OF PUBLIC WORKS Policy and Planning		NON-LAPSING FEDERAL GRANTS FUND	
1. Personal Services	0	0	
2. Supplies	0	0	
3. Other Services and Charges	320,000	320,000	
4. Capital Outlay	0	0	
5. Internal Charges	0	0	
TOTAL	320,000	320,000	

DEPARTMENT OF PUBLIC WORKS Policy and Planning		FEDERAL GRANTS FUND	
1. Personal Services	0	0	
2. Supplies	0	0	
3. Other Services and Charges	0	0	
4. Capital Outlay	0	0	
5. Internal Charges	0	0	
TOTAL	0	0	

DEPARTMENT OF PUBLIC WORKS Policy and Planning		NON-LAPSING STATE GRANTS FUND	
1. Personal Services	0	0	
2. Supplies	0	0	
3. Other Services and Charges	75,000	75,000	
4. Capital Outlay	0	0	
5. Internal Charges	0	0	
TOTAL	75,000	75,000	

DEPARTMENT OF PUBLIC WORKS Policy and Planning		STATE GRANTS FUND	
1. Personal Services	0	0	0
2. Supplies	0	0	0
3. Other Services and Charges	8,700,000	8,700,000	
4. Capital Outlay	0	0	0
5. Internal Charges	0	0	0
TOTAL	8,700,000	8,700,000	

DEPARTMENT OF PUBLIC WORKS Engineering Division		CONSOLIDATED COUNTY FUND	
1. Personal Services	0	0	0
2. Supplies	27,100	27,100	
3. Other Services and Charges	833,085	833,085	
4. Capital Outlay	56,013	56,013	
5. Internal Charges	(916,198)	(916,198)	
TOTAL	0	0	

DEPARTMENT OF PUBLIC WORKS Engineering Division		SOLID WASTE DISPOSAL FUND	
1. Personal Services	0	0	0
2. Supplies	0	0	0
3. Other Services and Charges	1,500,000	1,500,000	
4. Capital Outlay	0	0	0
5. Internal Charges	103,368	103,368	
TOTAL	1,603,368	1,603,368	

DEPARTMENT OF PUBLIC WORKS Engineering Division		SANITATION LIQUID WASTE FUND	
1. Personal Services	1,103,068	1,103,068	
2. Supplies	0	0	0
3. Other Services and Charges	441,576	441,576	
4. Capital Outlay	1,414,400	1,414,400	
5. Internal Charges	506,415	506,415	
TOTAL	3,465,459	3,465,459	

DEPARTMENT OF PUBLIC WORKS Engineering Division		COUNTY CUMULATIVE CAPITAL IMPROVEMENTS FUND	
1. Personal Services	0	0	0
2. Supplies	0	0	0
3. Other Services and Charges	200,000	200,000	
4. Capital Outlay	3,300,000	3,300,000	
5. Internal Charges	0	0	0
TOTAL	3,500,000	3,500,000	

DEPARTMENT OF PUBLIC WORKS Engineering Division		TRANSPORTATION GENERAL FUND	
1. Personal Services	1,836,685	1,836,685	
2. Supplies	0	0	0
3. Other Services and Charges	6,895,211	6,895,211	
4. Capital Outlay	17,725,500	17,725,500	
5. Internal Charges	1,873,210	1,873,210	
TOTAL	28,330,606	28,330,606	

DEPARTMENT OF PUBLIC WORKS Engineering Division		PARKING METER FUND	
1. Personal Services	0	0	0
2. Supplies	0	0	0
3. Other Services and Charges	350,000	350,000	
4. Capital Outlay	750,000	750,000	
5. Internal Charges	51,675	51,675	
TOTAL	1,151,675	1,151,675	

DEPARTMENT OF PUBLIC WORKS Engineering Division	CITY CUMULATIVE CAPITAL DEVELOPMENT FUND	
1. Personal Services	0	0
2. Supplies	0	0
3. Other Services and Charges	0	0
4. Capital Outlay	500,000	500,000
5. Internal Charges	0	0
TOTAL	500,000	500,000

DEPARTMENT OF PUBLIC WORKS Engineering Division	STORM WATER MANAGEMENT FUND	
1. Personal Services	348,503	348,503
2. Supplies	0	0
3. Other Services and Charges	400,000	400,000
4. Capital Outlay	0	0
5. Internal Charges	247,951	247,951
TOTAL	996,454	996,454

DEPARTMENT OF PUBLIC WORKS Operations Division	CONSOLIDATED COUNTY FUND	
1. Personal Services	0	0
2. Supplies	0	0
3. Other Services and Charges	2,669,900	2,669,900
4. Capital Outlay	0	0
5. Internal Charges	169,889	169,889
TOTAL	2,839,789	2,839,789

DEPARTMENT OF PUBLIC WORKS Operations Division	SANITATION LIQUID WASTE FUND	
1. Personal Services	539,840	539,840
2. Supplies	2,200	2,200
3. Other Services and Charges	40,841,208	40,841,208
4. Capital Outlay	3,238	3,238
5. Internal Charges	2,885,093	2,885,093
TOTAL	44,271,579	44,271,579

DEPARTMENT OF PUBLIC WORKS Operations Division	TRANSPORTATION GENERAL FUND	
1. Personal Services	11,112,188	11,112,188
2. Supplies	3,472,100	3,472,100
3. Other Services and Charges	1,932,765	1,932,765
4. Capital Outlay	1,691,861	1,691,861
5. Internal Charges	4,654,787	4,654,787
TOTAL	22,863,701	22,863,701

DEPARTMENT OF PUBLIC WORKS Operations Division	MAINTENANCE OPERATIONS FUND	
1. Personal Services	1,801,783	1,801,783
2. Supplies	207,500	207,500
3. Other Services and Charges	510,276	510,276
4. Capital Outlay	43,238	43,238
5. Internal Charges	(2,562,797)	(2,562,797)
TOTAL	0	0

DEPARTMENT OF PUBLIC WORKS Operations Division	SOLID WASTE DISPOSAL FUND	
1. Personal Services	0	0
2. Supplies	0	0
3. Other Services and Charges	10,381,500	10,381,500
4. Capital Outlay	0	0
5. Internal Charges	660,592	660,592
TOTAL	11,042,092	11,042,092

DEPARTMENT OF PUBLIC WORKS Operations Division		PARKING METER FUND	
1. Personal Services	221,761	221,761	
2. Supplies	109,800	109,800	
3. Other Services and Charges	327,800	327,800	
4. Capital Outlay	1,500	1,500	
5. Internal Charges	41,970	41,970	
TOTAL	702,831	702,831	

DEPARTMENT OF PUBLIC WORKS Operations Division		STORMWATER MANAGEMENT FUND	
1. Personal Services	1,194,800	1,194,800	
2. Supplies	42,200	42,200	
3. Other Services and Charges	368,790	368,790	
4. Capital Outlay	41,000	41,000	
5. Internal Charges	523,911	523,911	
TOTAL	2,170,701	2,170,701	

(k) DEPARTMENT OF PUBLIC SAFETY Director's Office		CONSOLIDATED COUNTY FUND	
1. Personal Services	596,170	596,170	
2. Supplies	5,140	5,140	
3. Other Services and Charges	208,758	208,758	
4. Capital Outlay	12,300	12,300	
5. Internal Charges	324,752	324,752	
TOTAL	1,147,120	1,147,120	

DEPARTMENT OF PUBLIC SAFETY Emergency Management Planning Division		CONSOLIDATED COUNTY FUND	
1. Personal Services	351,450	351,450	
2. Supplies	6,500	6,500	
3. Other Services and Charges	219,511	219,511	
4. Capital Outlay	35,475	35,475	
5. Internal Charges	9,928	9,928	
TOTAL	622,864	622,864	

DEPARTMENT OF PUBLIC SAFETY Emergency Management Planning Division		CITY CUMULATIVE CAPITAL DEVELOPMENT FUND	
1. Personal Services	0	0	
2. Supplies	0	0	
3. Other Services and Charges	0	0	
4. Capital Outlay	138,000	138,000	
5. Internal Charges	0	0	
TOTAL	138,000	138,000	

DEPARTMENT OF PUBLIC SAFETY Police Division		CITY CUMULATIVE CAPITAL DEVELOPMENT FUND	
1. Personal Services	0	0	
2. Supplies	0	0	
3. Other Services and Charges	292,000	292,000	
4. Capital Outlay	2,830,000	2,830,000	
5. Internal Charges	0	0	
TOTAL	3,122,000	3,122,000	

DEPARTMENT OF PUBLIC SAFETY Police Division		FEDERAL GRANTS FUND	
1. Personal Services	6,475,090	6,475,090	
2. Supplies	95,984	95,984	
3. Other Services and Charges	1,683,222	1,683,222	
4. Capital Outlay	1,629,256	1,629,256	
5. Internal Charges	0	0	
TOTAL	9,883,552	9,883,552	

DEPARTMENT OF PUBLIC SAFETY Police Division		NON-LAPSING FEDERAL GRANTS FUND	
1.	Personal Services	236,532	236,532
2.	Supplies	15,600	15,600
3.	Other Services and Charges	69,800	69,800
4.	Capital Outlay	36,280	36,280
5.	Internal Charges	0	0
TOTAL		358,212	358,212

DEPARTMENT OF PUBLIC SAFETY Police Division		CONSOLIDATED COUNTY FUND	
1.	Personal Services	2,984,773	4,984,773
2.	Supplies	418,740	418,740
3.	Other Services and Charges	318,866	318,866
4.	Capital Outlay	26,000	26,000
5.	Internal Charges	0	0
TOTAL		3,748,379	5,748,379

DEPARTMENT OF PUBLIC SAFETY Fire Division		CITY CUMULATIVE CAPITAL DEVELOPMENT FUND	
1.	Personal Services	0	0
2.	Supplies	0	0
3.	Other Services and Charges	538,000	538,000
4.	Capital Outlay	2,502,900	2,502,900
5.	Internal Charges	0	0
TOTAL		3,040,900	3,040,900

DEPARTMENT OF PUBLIC SAFETY Fire Division		CONSOLIDATED COUNTY FUND	
1.	Personal Services	0	0
2.	Supplies	0	0
3.	Other Services and Charges	0	0
4.	Capital Outlay	0	0
5.	Internal Charges	0	0
TOTAL		0	0

DEPARTMENT OF PUBLIC SAFETY Fire Division		NON-LAPSING FEDERAL GRANTS FUND	
1.	Personal Services	0	0
2.	Supplies	42,500	42,500
3.	Other Services and Charges	65,000	65,000
4.	Capital Outlay	42,500	42,500
5.	Internal Charges	0	0
TOTAL		150,000	150,000

DEPARTMENT OF PUBLIC SAFETY Fire Division		FEDERAL GRANTS FUND	
1.	Personal Services	0	0
2.	Supplies	42,500	42,500
3.	Other Services and Charges	15,000	15,000
4.	Capital Outlay	42,500	42,500
5.	Internal Charges	0	0
TOTAL		100,000	100,000

DEPARTMENT OF PUBLIC SAFETY Weights and Measures Division		CONSOLIDATED COUNTY FUND	
1.	Personal Services	326,920	326,920
2.	Supplies	1,050	1,050
3.	Other Services and Charges	34,003	34,003
4.	Capital Outlay	23,500	23,500
5.	Internal Charges	10,800	10,800
TOTAL		396,273	396,273

DEPARTMENT OF PUBLIC SAFETY Animal Control Division		CONSOLIDATED COUNTY FUND	
1. Personal Services	1,889,930	1,889,930	1,889,930
2. Supplies	118,145	118,145	118,145
3. Other Services and Charges	414,422	414,422	414,422
4. Capital Outlay	262,819	262,819	262,819
5. Internal Charges	(2,520,316)	(2,520,316)	(2,520,316)
TOTAL	165,000	165,000	165,000

(1) DEPARTMENT OF PARKS AND RECREATION		PARK GENERAL FUND	
1. Personal Services	14,867,389	14,867,389	14,867,389
2. Supplies	1,280,748	1,280,748	1,280,748
3. Other Services and Charges	5,960,043	5,912,543	5,912,543
4. Capital Outlay	1,763,401	1,810,901	1,810,901
5. Internal Charges	1,063,382	1,063,382	1,063,382
TOTAL	24,934,963	24,934,963	24,934,963

DEPARTMENT OF PARKS AND RECREATION		CONSOLIDATED COUNTY FUND	
1. Personal Services	0	0	0
2. Supplies	0	0	0
3. Other Services and Charges	1,625,000	1,625,000	1,625,000
4. Capital Outlay	0	0	0
5. Internal Charges	0	0	0
TOTAL	1,625,000	1,625,000	1,625,000

DEPARTMENT OF PARKS AND RECREATION		TRANSPORTATION GENERAL FUND	
1. Personal Services	0	0	0
2. Supplies	0	0	0
3. Other Services and Charges	616,400	616,400	616,400
4. Capital Outlay	0	0	0
5. Internal Charges	94,600	94,600	94,600
TOTAL	711,000	711,000	711,000

DEPARTMENT OF PARKS AND RECREATION		CITY CUMULATIVE CAPITAL DEVELOPMENT FUND	
1. Personal Services	0	0	0
2. Supplies	100,000	100,000	100,000
3. Other Services and Charges	867,000	867,000	867,000
4. Capital Outlay	2,769,000	2,769,000	2,769,000
5. Internal Charges	0	0	0
TOTAL	3,736,000	3,736,000	3,736,000

DEPARTMENT OF PARKS AND RECREATION		FEDERAL GRANTS FUND	
1. Personal Services	30,000	30,000	30,000
2. Supplies	0	0	0
3. Other Services and Charges	0	0	0
4. Capital Outlay	0	0	0
5. Internal Charges	0	0	0
TOTAL	30,000	30,000	30,000

SECTION 2. Special Appropriations. The following items of appropriation are only for the purposes stated in each item:

(The Mayor requested none.)

SECTION 3. Restricted Appropriations. The following items of appropriation are appropriated only for, and limited to, the specific uses as stated:

(The Mayor requested none.)

SECTION 4. State, Local and Federal Grants.

(a) Grant Applications Authorized. The Mayor of the Consolidated City of Indianapolis is hereby authorized to make such applications as may be required by federal or state laws or regulations in order to apply for, and receive, such state or federal grants or payments as are anticipated, allocated and approved for expenditure by inclusion in this ordinance.

(b) Community Development Grant Funds. Until this Council has approved the amounts, locations and programmatic operation of each project to be funded from Community Development Grant Funds, the amounts appropriated herein for such purposes shall not be encumbered or spent.

(c) Public Purpose Local Grants. The sums appropriated for public purpose grants as part of this ordinance shall not be spent until this Council by resolution approves the amount and identity of the recipient of each grant.

(d) Arts Grants. The total sum of One Million Six Hundred Twenty-Five Thousand Dollars (\$1,625,000) in Section 1.01 (m), Department of Parks and Recreation (Consolidated County Fund) is set aside for funding arts grants to be made by the Arts Council of Indianapolis. Grants from this set aside shall be coordinated between the Department of Parks and Recreation and the Arts Council of Indianapolis. Grants made under this section shall be considered public purpose local grants and subsection (c) shall apply. These grants shall be subject to annual audits by the City Internal Audit Agency.

SECTION 5.

(a) In accord with Section 192-304 of the code, the Annual Compensation for all other appointed officers, deputies and employees of the Consolidated City, except those of a special services district and the city-county council, is hereby fixed for all classified personnel as follows:

CITY OF INDIANAPOLIS SALARY GRADE SCALE AS OF JANUARY 1, 2003					
Grade	Minimum	1 st Quarter	Midpoint	3 rd Quarter	Maximum
16	\$55,816	\$66,737	\$77,658	\$88,579	\$99,500
15	\$51,473	\$61,768	\$72,063	\$82,358	\$92,652
14	\$47,516	\$57,019	\$66,522	\$76,025	\$85,528
13	\$43,863	\$52,636	\$61,408	\$70,181	\$78,953
12	\$41,990	\$49,338	\$56,686	\$64,035	\$71,383
11	\$38,762	\$45,545	\$52,328	\$59,112	\$65,895
10	\$35,781	\$42,043	\$48,305	\$54,567	\$60,828
9	\$33,030	\$38,811	\$44,591	\$50,372	\$56,152
8	\$31,664	\$36,414	\$41,163	\$45,913	\$50,662
7	\$29,229	\$33,614	\$37,998	\$42,383	\$46,767
6	\$26,982	\$31,030	\$35,077	\$39,124	\$43,171
5	\$24,908	\$28,644	\$32,380	\$36,116	\$39,852
4	\$23,912	\$26,901	\$29,890	\$32,879	\$35,868
3	\$22,074	\$24,833	\$27,592	\$30,352	\$33,111
2	\$20,377	\$22,924	\$25,471	\$28,018	\$30,565
1	\$18,810	\$21,162	\$23,513	\$25,864	\$28,215

(b) hourly employees in a bargaining unit shall be paid in accordance with the terms of the Master Agreement as approved by the Mayor.

(c) Such compensation shall not be increased without approval of the Council or in accordance with such wage and salary classification ordinance as may from time to time be adopted for city-county employees. For employees of the City-County Council, the President of the City-County Council shall classify all employees of the Council pursuant to the pertinent rules and regulations of the Council and establish their rates of compensation.

(d) In accord with Section 192-303 of the code, the maximum number of authorized employees for each department and division for the calendar year 2003, other than employees of the police and fire special service districts, shall be limited as follows:

Department	Division	Position Type	2003 Proposed
Exec. & Legislative	Mayor's Office	Full Time FTE	16.00
Exec. & Legislative	Internal Audit	Full Time FTE	9.00
Exec. & Legislative	City County Council	Full Time FTE	11.00
Exec. & Legislative	Office of Corporation Counsel	Full Time FTE	53.00
Exec. & Legislative	Office of Corporation Counsel	Part Time FTE	0.63
Exec. & Legislative	Office of the City Controller	Full Time FTE	37.00
Exec. & Legislative	Office of the City Controller	Seasonal FTE	0.50
Exec. & Legislative	Purchasing Division	Full Time FTE	19.00
Exec. & Legislative	Cable Communications Agency	Full Time FTE	9.00
Exec. & Legislative	Cable Communications Agency	Part Time FTE	0.50
Exec. & Legislative Total			155.63
Administration	Administrative Services Division	Full Time FTE	16.00
Administration	Administrative Services Division	Seasonal FTE	0.25
Administration	Human Resources Division	Full Time FTE	22.00
Administration	Human Resources Division	Seasonal FTE	0.70
Administration	Equal Opportunity Division	Full Time FTE	7.00
Administration	Indianapolis Fleet Services Division	Full Time FTE	91.00
Administration	Indianapolis Fleet Services Division	Seasonal FTE	.20
Administration Total			137.15
Metropolitan Development	Division of Administrative Services	Full Time FTE	19.00
Metropolitan Development	Division of Administrative Services	Seasonal FTE	0.50
Metropolitan Development	Community Development	Full Time FTE	26.00
Metropolitan Development	Community Development	Seasonal FTE	0.00
Metropolitan Development	Division of Planning	Full Time FTE	43.00
Metropolitan Development	Division of Planning	Seasonal FTE	1.25
Metropolitan Development	Neighborhood Services	Full Time FTE	36.00
Metropolitan Development	Neighborhood Services	Part Time FTE	0.80
Metropolitan Development	Historic Preservation	Full Time FTE	6.00
Metropolitan Development	Historic Preservation	Seasonal FTE	0.25
Metropolitan Development	Division of Compliance	Full Time FTE	106.00
Metropolitan Development	Division of Compliance	Seasonal FTE	0.75
Metropolitan Development Total			239.55
Public Works	Policy and Planning Division	Full Time FTE	122.00
Public Works	Policy and Planning Division	Seasonal FTE	2.50
Public Works	Engineering Division	Full Time FTE	59.00

Department	Division	Position Type	2003 Proposed
Public Works	Engineering Division	Seasonal FTE	0.75
Public Works	Operations Division	Full Time FTE	417.00
Public Works	Operations Division	Part Time FTE	0.50
Public Works	Operations Division	Seasonal FTE	4.00
Public Works Total			605.75
Public Safety	Director's Office	Full Time FTE	10.00
Public Safety	Director's Office	Seasonal FTE	0.25
Public Safety	Emergency Management Planning	Full Time FTE	7.00
Public Safety	Weights & Measures	Full Time FTE	7.00
Public Safety	Animal Control	Full Time FTE	52.00
Public Safety	Animal Control	Part Time FTE	0.77
Public Safety Total			77.02
Parks & Recreation		Full Time FTE	260.00
Parks & Recreation		Part Time FTE	34.64
Parks & Recreation		Seasonal FTE	148.45
Parks & Recreation Total			443.09

As used in this section, "full time equivalents" (FTE) are calculated as follows: One FTE is a full-time employee's work year of 2,080 hours. To calculate FTE for part-time or seasonal employees, the total of the hours budgeted is divided by 2,080.

SECTION 6. Effective Date.

This ordinance shall be in full force and effect beginning January 1, 2003, after passage by the City-County Council, approval by the Mayor, (or passage over his veto), and approval by the Indiana Department of Local Government Finance as required by law; except that, any part of this ordinance providing for the budget or appropriating money for an office or officer of the county provided for by the Constitution of Indiana or a judicial office or officer shall not be subject to the veto of the Mayor.

PROPOSAL NO. 408, 2002. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 408, 2002 on September 10 and 16, 2002. The proposal, sponsored by Councillor Borst, allocates certain miscellaneous revenues of the Consolidated City and Marion County to respective funds. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Coughenour asked if this is the proposal where the City is taking \$9 million of payment in lieu of taxes (PILOT) funds from Public Works. Councillor Borst said that this is correct. Councillor Coughenour said that when Stephen Goldsmith was Mayor, he found a way to access a dedicated fund for sanitary projects. She said that for several years she has reluctantly went along with the use of \$5 million from this fund, but is now being told just today that the City will now be taking out \$9 million. She said she cannot agree to using an additional \$4 million from that fund. She said the City is probably going to have to build another wastewater treatment plant, spending a minimum of \$1 million, and outrageous rates will be the result if this action is taken. She moved to amend Proposal No. 408, 2002 to restore the extra \$4 million of PILOT money.

President SerVaas asked if this motion to amend is in writing and has been given to the General Counsel. Councillor Coughenour said that it has not. President SerVaas ruled that such a motion

is out of order if not in writing. He said that he is very much aware of how much Councillor Coughenour has fought for these funds and he has great empathy for her. He said that he wishes there were another way, but it seems to be the only solution to funding problems at this time. Councillor Coughenour said that it is a very bad decision to continue raiding this fund and she is totally against it.

Councillor Gray said that he has served on the Public Works Committee for many years and he supports Councillor Coughenour and her efforts to keep this money in its appropriate fund.

Councillor Coughenour said that she will be going to Region V Environmental Protection Agency, who will want to know what the City is spending, based on average income of County residents. If they see the City reducing this budget, Councillor Coughenour believes there will be consequences in the future.

Councillor Borst moved, seconded by Councillor Talley, for adoption. Proposal No. 408, 2002, as amended, was adopted on the following roll call vote; viz:

18 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Coonrod, Douglas, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, SerVaas, Short, Soards, Talley, Tilford
11 NAYS: Bradford, Conley, Coughenour, Dowden, Gibson, Gray, Horseman, Knox, Sanders, Schneider, Smith

Proposal No. 408, 2002, as amended, was retitled FISCAL ORDINANCE NO. 100, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 100, 2002

A FISCAL ORDINANCE allocating certain miscellaneous revenues of the Consolidated City and Marion County to respective funds.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Allocation of Miscellaneous Revenues of the Consolidated City.

To defray the costs of government of the Consolidated City of Indianapolis and its special taxing districts in accordance with the appropriations stated in Section 1 of this ordinance and Section 1 of Fiscal Ordinance No. 93, 2002, the anticipated and estimated revenues of the Consolidated City and its special taxing districts are hereby allocated to the respective funds as herein stated; and in accordance with law and such allocations, the revenues, other than property taxes collectible in 2003, the portions of current balances and the revenues from taxation provided by the several levies fixed in Section 5 of Fiscal Ordinance No. 101, 2002, of this ordinance, are allocated to finance the amounts budgeted from each fund.

(a) CONSOLIDATED COUNTY FUND. The Consolidated County Fund for 2003 shall consist of all balances at the end of fiscal 2002 from the Consolidated County Fund, the Indianapolis Fleet Service Fund, Office of Youth and Family Services Fund, Air Pollution Fund, Air Pollution Title V Fund, DPW General Fund, Permits Fund, DMD General Fund, Unsafe Building Fund, Junk Vehicles Fund, Historic Preservation Fund, IMAGIS Fund, Dedicated Animal Care Special Projects Fund, and Dedicated Animal Care Donations Fund, available for transfer into said fund, a portion of the revenue from the County Option Income Tax, a portion of the receipts of state taxes on alcoholic beverages, cigarettes and inheritances, amounts received for city licenses, Controller's fees, and all other miscellaneous revenues derived from sources connected with the operation of those portions of city government whose appropriations are out of the Consolidated County Fund, and all amounts received by the levy of a rate of tax for this fund on all taxable property located in the county as shown in Section 1(a) of Fiscal Ordinance No. 101, 2002. All monies designated for deposit into either City General Fund or Consolidated County Fund shall be deposited into the Consolidated County Fund, and shall be considered in compliance with the legal requirement for deposits.

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES CONSOLIDATED COUNTY FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
SPECIAL TAXES		
Auto Excise Tax	920,168	1,956,314
Financial Institutions Tax	159,024	312,435
COIT	0	0
Commercial Vehicle Excise Tax	99,255	190,549
ALL OTHER REVENUE		
Licenses and Permits	4,542,029	8,661,532
Charges for Services	2,969,666	6,894,220
Intergovernmental	1,850,947	4,415,400
Sale and Lease of Property	11,000	0
Fees for Services	1,565,456	2,772,500
Fines and Penalties	234,588	463,700
Miscellaneous	(57,589)	1,374,550
Intragovernmental	1,003,750	2,176,592
Transfer from Parking Meter Fund	135,000	270,000
Transfer from Sanitation Liquid Waste Fund	75,000	150,000
Transfer to Police General Fund	0	0
Transfer to Police General Fund (PILOT)	0	0
Transfer to Fire General Fund (PILOT)	0	0
TOTAL	13,508,294	29,637,792

(b) **FEDERAL GRANTS FUND.** The Federal Grant Fund for 2003 shall consist of JTPA Grant Fund, CDBG Grant Fund, HUD Section 108 Fund, Rental Rehabilitation Grant, HOME Grant, TRUSTEE for the Secretary of HUD, HUD Section 108 Loan Repayment, DOT Grant, HOPE Grant, HUD Section 8 Fund, EPA Fund, Department of Labor Fund, Enterprise Community Fund, Other HUD Grant, DOD Grants, Other Federal Grants, Department of Justice Grants, Non-lapsing Federal Grants Fund, all balances at the end of fiscal 2002 available for transfer into said fund, all monies received by the City of Indianapolis from federal government for the Housing and Community Development Act of 1974, as amended, and any other federal grants, categorical grants, or special revenue sharing relating to these types of programs granted to the City of Indianapolis whose appropriations are out of the Federal Grants Fund, all of which does not involve a general tax levy for the City.

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES FEDERAL GRANTS FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
ALL OTHER REVENUE		
Charges For Services	0	0
Intergovernmental – Federal Grants	43,266,628	36,060,407
Intergovernmental – Non-lapsing Federal Grants	0	828,212
Miscellaneous	4,278	55,000
TOTAL	43,270,906	37,943,619

(c) **REDEVELOPMENT GENERAL FUND.** The Redevelopment General Fund for 2003 shall consist of Redevelopment General Fund, UNWA TIF, Barrington HOTIF Fund, Fall Creek TIF, Brookville HOTIF Fund, and all balances at the end of fiscal 2002 available for transfer into said fund, all fees, charges and other receipts derived from sources connected with the operation of the Neighborhood Services Division of the Department of Metropolitan Development, those distributions of taxes allocated by state law on the basis of property taxes levied and assessed for this fund, and all amounts received by the levy of a rate of tax for this fund on all taxable property located in the Redevelopment Special Taxing District as shown in Section 3.01.

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES REDEVELOPMENT GENERAL FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
SPECIAL TAXES		
Tax Increment	13,430	150,000
Financial Institutions Tax	2,151	4,381
Auto Excise	19,963	41,200
Commercial Vehicle Excise Tax	4,097	4,136
ALL OTHER REVENUE		
Charges for Services	6,000	0
Intergovernmental	0	0
Sale and Lease of Property	715,956	340,000
Fees for Services	2,500	0
Miscellaneous	28,190	48,000
TOTAL	792,287	587,717

(d) **SANITATION LIQUID WASTE FUND.** The Sanitation Liquid Waste Fund for 2003 shall consist of Sanitation Liquid Waste General Fund, Sanitation Pilot Reserve Fund, and Sanitation General Improvement Fund all balances at the end of fiscal 2002 available for transfer into said fund, and all fees, charges, and miscellaneous revenues derived from sources connected with the operation of the Sanitation Division of the Department of Public Works, all of which does not involve a general tax levy for said fund.

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES SANITATION LIQUID WASTE FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
ALL OTHER REVENUE		
Licenses and Permits	53,420	112,100
Charges for Services	33,129,885	62,209,600
Fines and Penalties	4,300,000	8,585,000
Miscellaneous	1,045,469	1,690,000
Transfer to Maintenance Operations	0	0
Transfer to Sanitation Revenue Sinking	(2,581,614)	(7,924,372)
Transfer to Sanitation Sinking	(3,500,000)	(7,000,000)
Transfer to Consolidated County (Permits subfund)	(75,000)	(150,000)
Transfer to AWT Reserve	(600,000)	(1,200,000)
Transfer to Police General	(825,000)	(3,650,000)
Transfer to Fire General	(1,675,000)	(5,350,000)
Transfer to Police Pension	0	0
Transfer to Fire Pension	0	0
TOTAL	29,272,160	47,322,328

(e) **STATE GRANTS FUND.** The State Grants Fund for 2003 shall consist of all balances at the end of fiscal 2002 available for transfer into said fund, and all Intergovernmental derived from sources connected with the operation of State Grants Fund and Non-lapsing State Grants Fund, all of which does not involve a general tax levy for said fund.

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES STATE GRANTS FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
ALL OTHER REVENUE		
Intergovernmental – State Grants	5,761,534	8,700,000
Intergovernmental – Non-lapsing State Grants	0	75,000
Miscellaneous	0	0
Transfer from Transportation	0	0
TOTAL	5,761,534	8,775,000

(f) **SOLID WASTE DISPOSAL FUND.** The Solid Waste Disposal Fund for 2003 shall consist of all balances at the end of fiscal 2002 available for transfer into said fund, and all fees, charges, and miscellaneous revenues derived from sources connected with the construction and financing of the Resource Recovery Facility, all of which does not involve a general tax levy for said fund.

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES SOLID WASTE DISPOSAL FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
ALL OTHER REVENUE		
Charges for Services	7,600,000	8,263,300
Lease and Rental of Property	93,595	170,000
Other Miscellaneous	25,000	75,000
Transfer from Solid Waste Collection	0	1,000,000
TOTAL	7,718,595	9,508,300

(g) **STORM WATER MANAGEMENT UTILITY FUND.** The Storm Water Management Utility Fund for 2003 shall consist of all balances at the end of fiscal 2002 available for transfer into said fund, all miscellaneous revenue derived from sources connected with the operation of the Department of Public Works, all of which does not involve a property tax levy for said fund.

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES STORM WATER MANAGEMENT UTILITY FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
ALL OTHER REVENUE		
Charges for Services	10,634,043	10,625,000
Sale and Lease of Property	14,829	167,800
Fees for Services	0	1,000
Fines and Penalties	0	0
Miscellaneous	0	0
Transfer from Flood	0	532,486
Transfer to Flood Control Sinking	(4,418,748)	(5,322,914)
TOTAL	6,230,124	6,003,372

(h) **MAINTENANCE OPERATIONS GENERAL FUND.** The Maintenance Operation General Fund for 2003 shall consist of Maintenance Operations Fund, Operation Flood Fund, Operation Sanitation Fund, Operation Park Fund, Operation Solid Waste Collections Fund and Operation Transportation Fund, of funds transferred from Sanitation Liquid Waste Fund, Flood Control General Fund, and Transportation General Fund, and all fees, licenses, permits, charges, and miscellaneous

revenues derived from sources connected with the operation of the Operations Division of the Department of Public Works, all of which does not involve a property tax levy for said fund.

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES MAINTENANCE OPERATIONS GENERAL FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
ALL OTHER REVENUE		
Intragovernmental	0	0
Sale and Lease of Property	0	0
Miscellaneous Revenue	(55,000)	0
TOTAL	(55,000)	0

(i) **TRANSPORTATION GENERAL FUND.** The Transportation Fund for 2003 shall consist of the Transportation General Fund, Motor Vehicle Fund, Local Road and Street Fund, and the Transportation Local Grants Fund, and shall consist of all balances at the end of fiscal 2002 available for transfer into said fund, amounts to be received from the State of Indiana during the fiscal year 2003 and allocated to said City of Indianapolis out of the revenues derived from taxes on gasoline, cigarettes, motor vehicles, and other sources connected therewith, miscellaneous revenues from license fees, federal highway funds, and other operations of the Department of Transportation, County Auto Excise Surtaxes, and County Wheel Taxes, all of which does not involve a property tax levy for said fund.

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES TRANSPORTATION GENERAL FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
SPECIAL TAXES		
Wheel Tax	4,000,000	8,000,000
Auto Excise	175,000	0
ALL OTHER REVENUE		
Charges for Services	2,662,801	643,000
Intergovernmental	18,706,977	35,695,000
Sale and Lease of Property	15,000	14,000
Miscellaneous	2,807,500	1,360,000
Transfer to PMTF	0	0
TOTAL	28,367,278	45,712,000

(j) **PARKING METER FUND.** The Parking Meter Fund for 2003 shall consist of all balances at the end of fiscal 2002 available for transfer into said fund, all amounts to be received from parking meter receipts during the year 2003, those revenues from licenses and permit fees connected with special parking privileges, all of which does not involve a property tax levy for said fund.

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES PARKING METER FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
ALL OTHER REVENUE		
Charges for Services	1,195,286	2,250,000
Fines and Penalties	525,000	1,200,000
Miscellaneous	0	0
Transfer to Consolidated County	0	(270,000)
Transfer to Police General	0	(1,500,000)
TOTAL	1,720,286	1,680,000

(k) **PARK GENERAL FUND.** The Park General Fund for 2003 shall consist of Park General Fund, Park Land Fund, Recreational Fund, Parks Restricted Fund, Greenways Fund, Parks Local Grants Fund, Forestry Fund and Park Golf Fund, and all balances at the end of fiscal 2002 available for transfer into said fund, all fees, charges, and other miscellaneous revenue derived from sources connected with the operation of the Department of Parks and Recreation, those distributions of taxes allocated by state law on the basis of property taxes levied and assessed as this fund, and all amounts received by the levy of a rate of tax for this fund on all the taxable property located within the Park Special Taxing District as shown in Section 6.01.

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES PARK GENERAL FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
SPECIAL TAXES		
Financial Institutions Tax	124,576	281,998
Auto Excise	686,514	1,765,728
Commercial Vehicle Excise Tax	77,755	171,786
ALL OTHER REVENUE		
Charges for Services	6,350	0
Intergovernmental	0	0
Sale and Lease of Property	76,433	210,700
Fees for Services	2,325,944	4,589,405
Miscellaneous	185,865	71,500
Transfer from Golf Revenue Bonds of 1996 Fund	0	0
TOTAL	3,483,437	7,091,117

(l) **CITY CUMULATIVE CAPITAL DEVELOPMENT FUND.** The City Cumulative Capital Development Fund for 2003 shall consist of all balances at the end of fiscal 2002 available for transfer into said fund, those distribution of taxes allocated by state law on the basis of property taxes levied and assessed as this fund, and all amounts received by a levy of a rate of tax for this fund on all taxable property located within the consolidated city as shown in Section 3.01.

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES CITY CUMULATIVE CAPITAL DEVELOPMENT FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
SPECIAL TAXES		
Financial Institutions Tax	55,913	113,889
Auto Excise	519,044	1,071,186
Commercial Vehicle Excise Tax	54,266	107,533
ALL OTHER REVENUE		
Sale and Lease of Property	0	0
Miscellaneous	111,000	100,000
To Redevelopment 2002 Revenue Bonds, Series A Fund	0	0
	(50,000)	0
To Landmark Building Preservation Fund	(1,150,000)	(2,400,000)
Transfer to Metropolitan Thoroughfare District Sinking Fund		-
TOTAL	(459,777)	(1,007,392)

(m) **CONSOLIDATED COUNTY CUMULATIVE CAPITAL DEVELOPMENT FUND.** The Consolidated County Cumulative Capital Development Fund for 2003 shall consist of all balances at the end of fiscal 2002 available for transfer into said fund, and all distributions from the County of the County Cumulative Capital Development Fund, and all other miscellaneous revenues derived from said Fund, all of which does not involve a general tax levy for the City.

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES CONSOLIDATED COUNTY CUMULATIVE CAPITAL DEVELOPMENT FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
ALL OTHER REVENUE		
Intergovernmental	2,064,641	4,300,000
Miscellaneous	25,000	75,000
TOTAL	2,089,641	4,375,000

(n) CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES CITY GENERAL SINKING FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
SPECIAL TAXES		
Financial Institutions Tax	1,673	3,893
Auto Excise	15,527	36,622
Commercial Vehicle Excise Tax	1,594	3,677
ALL OTHER REVENUE		
Miscellaneous	2,190	2,500
TOTAL CITY GENERAL SINKING FUND	20,984	46,692

(o) CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES REDEVELOPMENT DISTRICT SINKING FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
SPECIAL TAXES		
Tax Increment	2,600,000	3,500,000
Financial Institutions Tax	49,223	100,017
Auto Excise	456,936	940,721
Commercial Vehicle Excise Tax	46,892	94,436
COIT	250,000	300,000
ALL OTHER REVENUE		
Miscellaneous	76,000	100,000
Transfer to Redevelopment Bonds of 1999	(1,163,575)	(2,317,000)
Transfer to Ameriplex Sinking	0	0
Transfer from Ameriplex TIF		762,000
TOTAL	2,315,476	3,480,174

(p) CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES SANITARY DISTRICT SINKING FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
SPECIAL TAXES		
Financial Institutions Tax	42,988	10,273
Auto Excise	1,090	64,325
Commercial Vehicle Excise Tax	27,640	5,300

ALL OTHER REVENUE		
Miscellaneous	75,000	140,000
Transfer from Sanitation Liquid Waste	4,476,375	7,000,000
TOTAL	4,623,093	7,219,898

(q) CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES FLOOD CONTROL DISTRICT SINKING FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
SPECIAL TAXES		
Financial Institutions Tax	0	0
Auto Excise	0	0
Commercial Vehicle Excise Tax	0	0
ALL OTHER REVENUE		
Miscellaneous	10,000	20,000
Transfers	4,418,748	5,322,914
TOTAL	4,428,748	5,342,914

(r) CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES METROPOLITAN THOROUGHFARE DISTRICT SINKING FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
SPECIAL TAXES		
Financial Institutions Tax	43,330	76,094
Auto Excise	238,788	476,466
Commercial Vehicle Excise Tax	27,045	46,409
ALL OTHER REVENUE		
Miscellaneous	36,089	60,000
Transfer from City Cumulative Fund	2,040,526	2,400,000
TOTAL	2,385,778	3,058,969

(s) CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES METROPOLITAN PARK DISTRICT SINKING FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
SPECIAL TAXES		
Financial Institutions Tax	12,350	25,514
Auto Excise	68,054	159,757
Commercial Vehicle Excise Tax	7,708	15,561
ALL OTHER REVENUE		
Miscellaneous	5,000	10,000
TOTAL	93,112	210,832

(t) **LANDMARK BUILDING PRESERVATION FUND.** The Landmark Building Preservation Fund for 2003 shall consist of all balances at the end of fiscal 2002 from the Landmark City Cumulative Development Fund and the Landmark Consolidated County Fund. This fund shall be established with a transfer from the City Cumulative Development Fund. The purpose of this fund is to set aside funding for the preservation of City owed buildings of a historic nature. The City County Council on a project basis shall establish appropriations, without regards to character, from this fund. Appropriations shall lapse at the completion of the authorized project, and the remaining balance of the project shall then lapse into the fund balance.

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES LANDMARK BUILDING PRESERVATION FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
ALL OTHER REVENUE		
Transfer From City Cumulative Capital Development Fund	50,000	0
TOTAL	50,000	0

SECTION 2. Allocation of Miscellaneous Revenues of Marion County.

For purposes of determining the necessary property tax levies to finance the 2003 annual budgets for offices and agencies of Marion County, the anticipated and estimated revenues (except anticipated property tax distributions) of the Consolidated City and Marion County for the calendar year 2003, are hereby allocated, in accordance with law and the authority of the Council, to the respective funds as follows:

(a) CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES COUNTY GENERAL FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
TAXES		
Marion County Liens	5,000	10,000
Gross Income Taxes	2,500	5,000
Treasurer's Surplus	500,000	500,000
County Option Income Tax	15,647,229	30,058,982
License Excise	4,194,799	7,687,411
Financial Institutions Tax	514,148	1,028,447
Emergency 911	220,000	440,000
CVET	357,211	741,223
TOTAL TAXES	21,440,887	40,471,063
FEES		
Marriage License	30,000	65,000
Domestic Relations	40,000	80,000
Photocopying Fees	5,375	13,450
Auditor's Fees	1,000	2,000
Clerk's Miscellaneous	50,000	125,000
Court Costs	1,200,000	2,500,000
County Coroner Fees	70,000	100,000
County Surveyor Fees	350	750
County Recorder Fees	2,000,000	2,750,000
Urinalysis Fees	200,000	375,000
Demand Fees	4,000	13,000
Cable Franchise Subscriber Fees	600,000	150,000
Ten Percent Cash Bond	3,500	8,000
Inmate Medical Co-payment	7,000	15,000
Support/Maintenance Docket Fees	25,000	80,000
Document Fees	80,000	170,000
NSF Check Fees	8,000	15,000
Late Surrender Fees	20,000	80,000
Franchise Towing Fees	100,000	200,000
Tax Search Fees	7,000	13,000
Tax Sale Administration Fees	255,000	255,000
Weed Lien Fines and Sewer Penalties	26,000	49,000
TOTAL FEES	4,732,225	7,059,200
FEDERAL		
Care of Federal Prisoners	550,000	1,100,000
TOTAL FEDERAL	550,000	1,100,000

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES COUNTY GENERAL FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 Through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
STATE		
Care of State Prisoners	319,640	350,000
Indirect Cost Recovery	225,000	450,000
Title IV-D Reimbursement	1,590,000	3,385,121
Title IV-D Incentive	65,000	75,000
School Lunch Program	110,000	240,000
Welfare Guardian Home	941,829	1,217,880
Gambling Share	0	2,400,000
TOTAL STATE	3,251,469	8,118,001
LOCAL GOVERNMENT		
Transfer In	490,000	490,000
Transfer Out	0	0
Rentals	12,000	20,000
Security Chargeback-County	170,000	340,000
City Share MCJA	0	70,000
City Share Dispatch	3,000,000	4,841,320
Security Chargeback-City	313,293	320,000
Other Security	5,000	10,000
Other Reimbursements	7,000	15,000
TOTAL LOCAL GOVERNMENT	3,997,293	6,106,320
INTEREST		
Investment Interest	2,130,000	6,230,000
TOTAL INTEREST	2,130,000	6,230,000
OTHER		
Telephones	120,000	240,000
Juvenile Court	10,000	30,000
Damage and Insurance Settlements	20,000	40,000
Sale Other Property	5,000	10,000
Sheriff's Miscellaneous	328,944	500,000
Other	1,510,000	2,260,085
TOTAL OTHER	1,993,944	3,080,085
TOTAL REVENUE	38,095,818	72,164,669

(b) CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES PROPERTY REASSESSMENT FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 Through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
SPECIAL TAXES		
Financial Institution Tax	9,549	19,671
Vehicle License Excise Tax	77,901	163,697
CVET	6,634	13,666
ALL OTHER REVENUE		
Interest	46,000	- 102,500
TOTAL	140,084	299,534

(c) CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES SURVEYOR'S CORNER PERPETUATION FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 Through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
FEES		
Corner Perpetuation Fees	100,000	220,000
TOTAL	100,000	220,000

(d) CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES SUPPLEMENTAL ADULT PROBATION FEES FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 Through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
FEES		
Criminal Probation Fees	720,000	1,500,000
TOTAL	720,000	1,500,000

(e) CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES JUVENILE PROBATION FEES FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
FEES		
Juvenile Probation Fees	50,000	75,000
TOTAL	50,000	75,000

(f) CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES GUARDIAN AD LITEM FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
FEES		
Guardian Ad Litem Fees	60,000	65,000
TOTAL	60,000	65,000

(g) CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES AUDITOR'S ENDORSEMENT FEE FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
FEES		
Auditor's Fees	60,000	120,000
TOTAL	60,000	120,000

(h) CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES COUNTY USER FEE FUND (DIVERSION) FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
FEES		
Pre-Trial Diversion Fees	360,000	695,000
Check Deception Fees	40,000	80,000
TOTAL	400,000	775,000

(i) CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES ALCOHOL AND DRUG SERVICES FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
FEES		
Alcohol and Drug Service Fee	550,000	1,200,000
TOTAL	550,000	1,200,000

(j) CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES COUNTY EXTRADITION FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
FEES		
Late Surrender Fees	30,000	100,000
Miscellaneous		
TOTAL	30,000	100,000

(k) CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES LAW ENFORCEMENT FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
FEES		
Restitution and Forfeitures	205,000	585,000
TOTAL	205,000	585,000

(l) CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES DRUG FREE COMMUNITY FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
FEES		
Drug Free Community Fees	175,000	400,000
TOTAL	175,000	400,000

(m) CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES SHERIFF'S CONTINUING EDUCATION FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
FEES		
Law Enforcement Continuing Education Fees	26,000	48,000
TOTAL	26,000	48,000

(n) CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES CONDITIONAL RELEASE PROGRAM FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
FEES		
Pre-Trial Fees	50,000	90,000
TOTAL	50,000	90,000

(o) CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES LOCAL EMERGENCY PLANNING AND RIGHT TO KNOW FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
Fees	0	45,000
TOTAL	0	45,000

(p) CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES LAW ENFORCEMENT EQUITABLE SHARE FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
FEES		
(Fees may only be appropriated after receipt)	35,000	
TOTAL	35,000	

(q) CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES COUNTY MISDEMEANANT FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 Through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
Intergovernmental	600,551	600,551
TOTAL	600,551	600,551

(r) CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES COMMUNITY CORRECTIONS HOME DETENTION FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 Through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
Fees	30,000	70,000
TOTAL	30,000	70,000

(s) CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES STATE AND FEDERAL GRANTS FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 Through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
(Funds are appropriated according to grant fiscal year.)		

(t) CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES COUNTY GRANTS FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 Through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
(Funds are appropriated according to grant fiscal year.)		

(u) CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES DEFERRAL PROGRAM FEE FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 Through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
FEES		
Deferral Fees	1,500,000	3,500,000
Transfer Out	(430,000)	(430,000)
TOTAL	1,070,000	3,070,000

(v) CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES MARION COUNTY CUMULATIVE CAPITAL DEVELOPMENT FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
SPECIAL TAXES		
Financial Institution Tax	47,903	98,680
Vehicle License Excise Tax	390,827	771,090
CVET	33,281	68,559
ALL OTHER REVENUE		
Sale of Cars	200,000	425,000
Transfer to City of Indianapolis	(2,043,286)	(4,304,846)
TOTAL	(1,371,275)	(2,941,517)

(w) CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES SUPPLEMENTAL PUBLIC DEFENDER FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
FEES		
Public Defender Fees	100,000	220,000
TOTAL	100,000	220,000

(x) CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES COUNTY RECORDER'S PERPETUATION FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
FEES		
County Recorder's Fees	700,000	1,500,000
TOTAL	700,000	1,500,000

(y) CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES JURY PAY FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
FEES		
Fees	120,000	250,000
TOTAL	120,000	250,000

(z) CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES INFORMATION SERVICES INTERNAL SERVICES FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
CHARGE FOR SERVICE		
ISA Other	4,652,767	145,317
ISA County	8,020,146	13,735,800
ISA City	8,922,942	15,923,027
Telephones - City	468,957	1,431,783
Telephones - County	589,806	908,483
Telephones - Other	177,036	152,827
Other Reimbursements	202,500	430,000
TOTAL	23,034,154	32,727,237

(aa) CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES ENHANCED ACCESS FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
FEES	8,000	13,000
TOTAL	8,000	13,000

(bb) CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES JUVENILE COURT ALTERNATIVE SCHOOL SERVICES FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
CHARGE FOR SERVICE	300,000	475,000
TOTAL	300,000	475,000

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES FORENSICS TRAINING FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
CHARGE FOR SERVICE	75,000	154,000
TOTAL	75,000	154,000

(bb) CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES COUNTY SALES DISCLOSURE FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 Through Dec. 31, 2003
CHARGE FOR SERVICE	40,000	80,000
TOTAL	40,000	80,000

SECTION 3. Allocation of County Option Income Tax Revenues.

Pursuant to IC 6-3.5-6-19 (d), the City-County Council may determine the distribution to be made of the revenue received by the City of Indianapolis and County of Marion as a single taxing unit from the County Option Income Tax. The City-County Council hereby determines that from the certified distribution of One Hundred Seventeen Million Six Hundred Nineteen Thousand Five Hundred Ninety-Four Dollars (\$117,619,594) after the County Auditor deposits Two Million Seven Hundred Fifty Thousand Dollars (\$2,750,000) in the Metropolitan Emergency Communications Fund, retains the homestead credit distribution of Sixteen Million Five Hundred Thousand Dollars (\$16,500,000) and distributes the shares of other units entitled to distributions, the balance for the Consolidated City and County of Eighty-Five Million Four Hundred Twelve Thousand Two Hundred Fifty-four Dollars (\$85,412,254) is hereby allocated and shall be distributed by the County Auditor and City Controller as follows:

- (1) To the County General Fund, the sum of \$30,058,982;
- (2) To the Consolidated County Fund, the sum of \$0;
- (3) To the Police Special Service District Fund, the sum of \$30,087,323;
- (4) To the Fire Special Service District Fund, the sum of \$11,815,949;
- (5) To the Police Pension Fund, the sum of \$7,250,000; and
- (6) To the Fire Pension Fund, the sum of \$6,200,000.

The County Auditor is authorized to withhold \$700,000 from distribution to the City as compensation for transfer of the Indianapolis Police Department's East District to the Marion County Sheriff's Department's jurisdiction. The above amounts are after the \$700,000 has been withheld from the City.

SECTION 4. Requirement and Allocation of Payments in Lieu of Taxes Revenues and Compensation for Lost Revenues.

(a) Pursuant to IC 36-3-2-10, the City-County Council may require the payments in lieu of taxes (PILOT) from certain public entities. Included within the list of public entities are a Capital Improvement Board, an Airport Authority and a wastewater treatment facility.

(b) The City-County Council requires the wastewater treatment facility to pay PILOTS in two (2) equal installments on May 10, 2003 and November 10, 2003, in the amount of Four Million Five Hundred Thousand Dollars (\$4,500,000) each, which are hereby allocated and shall be distributed by the City Controller as follows:

- (1) To the Police Service District Fund, the sum of \$3,650,000;
- (2) To the Fire Service District Fund, the sum of \$5,350,000.

SECTION 5. Assistance to Indianapolis Public Housing Agency and Parks and Recreation Department.

Pursuant to IC 36-7-19, the City-County Council authorizes aid to the Indianapolis Public Housing Agency by exempting it from solid waste collection charges and fees and to the Department of Parks and Recreation by exempting it from sewer user charges and fees.

SECTION 6. This ordinance shall be in full force and effect beginning January 1, 2003, upon adoption by the City-County Council, and approval by the Mayor (or passage over his veto).

PROPOSAL NO. 410, 2002. Councillor Borst reported that the Administration and Finance, Metropolitan Development, Parks and Recreation, Public Safety and Criminal Justice, and Public Works Committees heard Proposal No. 401, 2002 on September 4, 5, 9, 10, and 16, 2002. The proposal, sponsored by Councillors Borst and Boyd, determines the tax levy for 2003 for each fund of the Consolidated City and Marion County. By unanimous votes, the Metropolitan Development, Parks and Recreation, Public Safety and Criminal Justice, and Public Works Committees reported the proposal to the Council with the recommendation that it do pass as amended. By a 4-1 vote, the Administration and Finance Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Horseman said that she is opposed to this proposal because of amendments made today and the increase in assessed valuation and levy numbers. She said that today is the first time she has seen these numbers, and the public should be allowed more input, as their tax bills will increase. She added that there has been no testimony as to the basis for these new numbers or their affect on taxpayers and businesses. Councillor Schneider said that he agrees with Councillor Horseman and also opposes this proposal.

Councillor Borst moved, seconded by Councillor Talley, for adoption. Proposal No. 410, 2002, as amended, was adopted on the following roll call vote; viz:

18 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Douglas, Gray, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, SerVaas, Short, Talley, Tilford
11 NAYS: Bradford, Conley, Coonrod, Coughenour, Dowden, Gibson, Horseman, Sanders, Schneider, Smith, Soards

Proposal No. 410, 2002, as amended, was retitled FISCAL ORDINANCE NO. 101, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 101, 2002

A FISCAL ORDINANCE determining the tax levy for each fund of the Consolidated City and Marion County.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

ESTIMATED REVENUES AND TAX LEVIES OF THE
CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY

SECTION 1. Estimates of Funds to be Raised and Proposed Tax Levies for the Consolidated City.

In accordance with law and the appropriations and allocations of revenues adopted for the calendar year 2003 for the Consolidated City, the tax rates for the respective funds are calculated as follows:

(a) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES CONSOLIDATED COUNTY FUND		
2003 NET ASSESSED VALUATION	\$29,996,500,000	
2002 BILLED NET ASSESSED VALUATION	\$28,280,226,771	
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	35,764,732	38,688,132
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	37,747,432	37,747,432
3. Additional appropriations necessary to be made July 1 to December 31 of present year	354,795	354,795
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	38,102,227	38,102,227
6. Remaining property taxes to be collected present year	10,064,138	10,089,089
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	13,508,294	13,508,294
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	23,572,432	23,597,384
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	21,234,938	24,183,289
10. Total budget estimate for January 1 to December 31 of incoming year	56,110,279	59,541,079
11. Miscellaneous revenue for January 1 to December 31 of incoming year	29,697,690	29,637,792
12. Property tax to be raised from January 1 to December 31 of incoming year	20,826,973	21,387,505
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	15,649,322	15,667,507
14. Estimated December 31 cash balance, of incoming year	15,649,322	15,667,507
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0734	0.0734
Proposed tax rate for incoming year	0.0715	0.0713

(b) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES FEDERAL GRANTS FUND		
2003 NET ASSESSED VALUATION	\$0	
2002 BILLED NET ASSESSED VALUATION	\$0	
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	2,442,035	2,416,508
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	45,194,558	45,194,558
3. Additional appropriations necessary to be made July 1 to December 31 of present year	281,791	281,791
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	45,476,349	45,476,349
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	43,270,906	43,270,906

8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	43,270,906	43,270,906
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	236,592	211,065
10. Total budget estimate for January 1 to December 31 of incoming year	36,301,639	36,301,639
11. Miscellaneous revenue for January 1 to December 31 of incoming year	36,115,407	36,115,407
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	50,360	24,833
14. Estimated December 31 cash balance, of incoming year	50,360	24,833
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0000	0.0000
Proposed tax rate for incoming year	0.0000	0.0000

(c) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES REDEVELOPMENT GENERAL FUND		
2003 NET ASSESSED VALUATION	\$29,090,500,000	
2002 BILLED NET ASSESSED VALUATION	\$26,336,458,610	
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	2,777,778	2,749,939
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	1,250,154	1,250,154
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	1,250,154	1,250,154
6. Remaining property taxes to be collected present year	230,457	231,648
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	792,287	792,287
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	1,022,744	1,023,935
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	2,550,368	2,523,720
10. Total budget estimate for January 1 to December 31 of incoming year	1,241,748	1,241,748
11. Miscellaneous revenue for January 1 to December 31 of incoming year	587,717	587,717
12. Property tax to be raised from January 1 to December 31 of incoming year	488,278	523,629
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	2,384,615	2,393,318
14. Estimated December 31 cash balance, of incoming year	2,384,615	2,393,318
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0018	0.0018
Proposed tax rate for incoming year	0.0018	0.0018

(d) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES SANITATION LIQUID WASTE FUND		
2003 NET ASSESSED VALUATION	\$0	
2002 BILLED NET ASSESSED VALUATION	\$0	
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	55,070,843	54,495,174
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	39,191,859	39,191,859
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	39,191,859	39,191,859
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	29,272,160	29,272,160
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	29,272,160	29,272,160
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	45,151,144	44,575,476
10. Total budget estimate for January 1 to December 31 of incoming year	49,403,474	49,403,474
11. Miscellaneous revenue for January 1 to December 31 of incoming year	51,322,328	47,322,328
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	47,069,998	42,494,330
14. Estimated December 31 cash balance, of incoming year	47,069,998	42,494,330
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0000	0.0000
Proposed tax rate for incoming year	0.0000	0.0000

(e) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES STATE GRANTS FUND		
2003 NET ASSESSED VALUATION	\$0	
2002 BILLED NET ASSESSED VALUATION	\$0	
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	(1,278,992)	(1,278,992)
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	4,394,101	4,394,101
3. Additional appropriations necessary to be made July 1 to December 31 of present year	63,549	63,549
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	4,457,650	4,457,650
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	5,761,534	5,761,534
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	5,761,534	5,761,534
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	24,892	24,892
10. Total budget estimate for January 1 to December 31 of incoming year	8,700,000	8,700,000

11. Miscellaneous revenue for January 1 to December 31 of incoming year	8,700,000	8,700,000
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	24,892	24,892
14. Estimated December 31 cash balance, of incoming year	24,892	24,892
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0000	0.0000
Proposed tax rate for incoming year	0.0000	0.0000

(f) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES SOLID WASTE DISPOSAL FUND		
2003 NET ASSESSED VALUATION	\$0	
2002 BILLED NET ASSESSED VALUATION	\$0	
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	6,737,423	6,668,181
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	10,154,754	10,154,754
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	10,154,754	10,154,754
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	7,718,595	7,718,595
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	7,718,595	7,718,595
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	4,301,265	4,232,022
10. Total budget estimate for January 1 to December 31 of incoming year	12,645,460	12,645,460
11. Miscellaneous revenue for January 1 to December 31 of incoming year	9,508,300	9,508,300
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	1,164,105	1,094,862
14. Estimated December 31 cash balance, of incoming year	1,164,105	1,094,862
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0000	0.0000
Proposed tax rate for incoming year	0.0000	0.0000

(g) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES STORM WATER MANAGEMENT UTILITY FUND		
2003 NET ASSESSED VALUATION	\$0	
2002 BILLED NET ASSESSED VALUATION	\$0	
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	57,379	57,379
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	2,217,969	2,217,969
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0

4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	2,217,969	2,217,969
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	6,230,124	6,230,124
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	6,230,124	6,230,124
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	4,069,534	4,069,534
10. Total budget estimate for January 1 to December 31 of incoming year	3,224,417	3,224,417
11. Miscellaneous revenue for January 1 to December 31 of incoming year	6,003,372	6,003,372
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	6,848,489	6,848,489
14. Estimated December 31 cash balance, of incoming year	6,848,489	6,848,489
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0000	0.0000
Proposed tax rate for incoming year	0.0000	0.0000

(h) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES MAINTENANCE OPERATIONS GENERAL FUND		
2003 NET ASSESSED VALUATION	\$0	
2002 BILLED NET ASSESSED VALUATION	\$0	
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	(501,522)	(505,181)
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	(629,791)	(629,791)
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	(629,791)	(629,791)
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	(55,000)	(55,000)
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	(55,000)	(55,000)
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	73,269	69,611
10. Total budget estimate for January 1 to December 31 of incoming year	0	0
11. Miscellaneous revenue for January 1 to December 31 of incoming year	0	0
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	73,269	69,611
14. Estimated December 31 cash balance, of incoming year	73,269	69,611
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0000	0.0000
Proposed tax rate for incoming year	0.0000	0.0000

(i) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES TRANSPORTATION GENERAL FUND		
2003 NET ASSESSED VALUATION	\$0	
2002 BILLED NET ASSESSED VALUATION	\$0	
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	40,933,354	40,531,979
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	45,391,901	45,391,901
3. Additional appropriations necessary to be made July 1 to December 31 of present year	4,184,942	4,184,942
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	49,576,843	49,576,843
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	28,367,278	28,367,278
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	28,367,278	28,367,278
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	19,723,789	19,322,414
10. Total budget estimate for January 1 to December 31 of incoming year	52,333,622	52,333,622
11. Miscellaneous revenue for January 1 to December 31 of incoming year	45,712,000	45,712,000
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	13,102,167	12,700,792
14. Estimated December 31 cash balance, of incoming year	13,102,167	12,700,792
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0000	0.0000
Proposed tax rate for incoming year	0.0000	0.0000

(j) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES PARKING METER FUND		
2003 NET ASSESSED VALUATION	\$0	
2002 BILLED NET ASSESSED VALUATION	\$0	
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	2,251,551	2,229,081
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	1,506,972	1,506,972
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	1,506,972	1,506,972
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	1,720,286	1,720,286
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	1,720,286	1,720,286
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	2,464,865	2,442,395
10. Total budget estimate for January 1 to December 31 of incoming year	1,854,506	1,854,506

11. Miscellaneous revenue for January 1 to December 31 of incoming year	1,680,000	1,680,000
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	2,290,359	2,267,889
14. Estimated December 31 cash balance, of incoming year	2,290,359	2,267,889
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0000	0.0000
Proposed tax rate for incoming year	0.0000	0.0000

(k) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES PARK GENERAL FUND		
2003 NET ASSESSED VALUATION	\$29,996,500,000	
2002 BILLED NET ASSESSED VALUATION	\$28,280,226,771	
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	14,852,763	14,706,248
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	14,367,876	14,367,876
3. Additional appropriations necessary to be made July 1 to December 31 of present year	11,002,320	11,002,320
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	25,370,196	25,370,196
6. Remaining property taxes to be collected present year	7,884,032	7,903,578
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	3,483,437	3,483,437
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	11,367,469	11,387,015
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	850,037	723,067
10. Total budget estimate for January 1 to December 31 of incoming year	24,934,963	24,934,963
11. Miscellaneous revenue for January 1 to December 31 of incoming year	6,985,616	7,091,117
12. Property tax to be raised from January 1 to December 31 of incoming year	17,477,180	18,447,848
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	377,870	1,327,069
14. Estimated December 31 cash balance, of incoming year	377,870	1,327,069
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0575	0.0575
Proposed tax rate for incoming year	0.0600	0.0615

(l) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES CITY CUMULATIVE CAPITAL DEVELOPMENT FUND		
2003 NET ASSESSED VALUATION	\$27,817,271,368	
2002 BILLED NET ASSESSED VALUATION	\$26,336,458,610	
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	12,397,984	12,265,474
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	12,446,591	11,546,591
3. Additional appropriations necessary to be made July 1 to December 31 of present year	940,000	1,058,000

4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	13,386,591	12,604,591
6. Remaining property taxes to be collected present year	5,991,901	6,022,856
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	(459,777)	(459,777)
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	5,532,124	5,563,079
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	4,543,516	5,223,961
10. Total budget estimate for January 1 to December 31 of incoming year	11,834,985	11,834,985
11. Miscellaneous revenue for January 1 to December 31 of incoming year	(1,007,392)	(1,007,392)
12. Property tax to be raised from January 1 to December 31 of incoming year	12,695,227	13,018,483
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	4,396,366	5,400,067
14. Estimated December 31 cash balance, of incoming year	4,396,366	5,400,067
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0468	0.0468
Proposed tax rate for incoming year	0.0468	0.0468

(m) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES CONSOLIDATED COUNTY CUMULATIVE CAPITAL DEVELOPMENT FUND		
2003 NET ASSESSED VALUATION	\$0	
2002 BILLED NET ASSESSED VALUATION	\$0	
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	3,797,233	3,744,095
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	4,318,962	4,318,962
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	4,318,962	4,318,962
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	2,089,641	2,089,641
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	2,089,641	2,089,641
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	1,567,913	1,514,774
10. Total budget estimate for January 1 to December 31 of incoming year	3,500,000	3,500,000
11. Miscellaneous revenue for January 1 to December 31 of incoming year	4,375,000	4,375,000
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	2,442,913	2,389,774
14. Estimated December 31 cash balance, of incoming year	2,442,913	2,389,774
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0000	0.0000
Proposed tax rate for incoming year	0.0000	0.0000

(n) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES CITY GENERAL SINKING FUND		
2003 NET ASSESSED VALUATION	\$27,812,500,000	
2002 BILLED NET ASSESSED VALUATION	\$26,336,458,610	
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	217,791	216,989
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	404,965	404,965
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	404,965	404,965
6. Remaining property taxes to be collected present year	205,581	180,170
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	20,984	20,984
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	226,565	201,154
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	39,390	13,177
10. Total budget estimate for January 1 to December 31 of incoming year	465,656	465,656
11. Miscellaneous revenue for January 1 to December 31 of incoming year	41,168	46,692
12. Property tax to be raised from January 1 to December 31 of incoming year	406,898	445,000
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	21,800	39,213
14. Estimated December 31 cash balance, of incoming year	21,800	39,213
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0015	0.0014
Proposed tax rate for incoming year	0.0015	0.0016

(o) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES REDEVELOPMENT DISTRICT SINKING FUND		
2003 NET ASSESSED VALUATION	\$27,737,226,277	
2002 BILLED NET ASSESSED VALUATION	\$26,336,458,610	
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	8,894,841	8,816,073
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	10,086,019	10,086,019
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	10,086,019	10,086,019
6. Remaining property taxes to be collected present year	6,065,015	5,302,172
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	2,315,476	2,315,476
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	8,380,491	7,617,648
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	7,189,312	6,347,701
10. Total budget estimate for January 1 to December 31 of incoming year	17,430,381	17,430,381

11. Miscellaneous revenue for January 1 to December 31 of incoming year	3,482,937	3,480,174
12. Property tax to be raised from January 1 to December 31 of incoming year	11,989,936	11,400,000
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	5,231,804	3,797,494
14. Estimated December 31 cash balance, of incoming year	5,231,804	3,797,494
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0442	0.0412
Proposed tax rate for incoming year	0.0442	0.0411

(p) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES SANITARY DISTRICT SINKING FUND		
2003 NET ASSESSED VALUATION	\$27,240,000,000	
2002 BILLED NET ASSESSED VALUATION	\$25,864,240,152	
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	5,329,218	5,280,862
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	6,738,902	6,738,902
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	6,738,902	6,738,902
6. Remaining property taxes to be collected present year	12,567	12,633
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	4,623,093	4,623,093
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	4,635,660	4,635,726
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	3,225,977	3,177,686
10. Total budget estimate for January 1 to December 31 of incoming year	9,097,085	9,097,085
11. Miscellaneous revenue for January 1 to December 31 of incoming year	7,219,859	7,219,898
12. Property tax to be raised from January 1 to December 31 of incoming year	666,004	681,000
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	2,014,755	1,981,499
14. Estimated December 31 cash balance, of incoming year	2,014,755	1,981,499
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0001	0.0001
Proposed tax rate for incoming year	0.0025	0.0025

(q) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES FLOOD CONTROL DISTRICT SINKING FUND		
2003 NET ASSESSED VALUATION	\$0	
2002 BILLED NET ASSESSED VALUATION	\$0	
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	859,155	849,267
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	4,272,097	4,272,097
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0

4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	4,272,097	4,272,097
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	4,428,748	4,428,748
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	4,428,748	4,428,748
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	1,015,806	1,005,919
10. Total budget estimate for January 1 to December 31 of incoming year	5,322,914	5,322,914
11. Miscellaneous revenue for January 1 to December 31 of incoming year	5,342,914	5,342,914
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	1,035,806	1,025,919
14. Estimated December 31 cash balance, of incoming year	1,035,806	1,025,919
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0000	0.0000
Proposed tax rate for incoming year	0.0000	0.0000

(r) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES METROPOLITAN THOROUGHFARE DISTRICT SINKING FUND		
2003 NET ASSESSED VALUATION	\$29,747,647,059	
2002 BILLED NET ASSESSED VALUATION	\$28,280,226,771	
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	2,723,207	2,713,031
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	6,599,952	6,599,952
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	6,599,952	6,599,952
6. Remaining property taxes to be collected present year	2,742,272	2,749,071
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	2,385,778	2,385,778
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	5,128,050	5,134,849
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	1,251,305	1,247,928
10. Total budget estimate for January 1 to December 31 of incoming year	7,916,796	7,916,796
11. Miscellaneous revenue for January 1 to December 31 of incoming year	3,058,590	3,058,969
12. Property tax to be raised from January 1 to December 31 of incoming year	4,951,868	5,057,100
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	1,344,967	1,447,201
14. Estimated December 31 cash balance, of incoming year	1,344,967	1,447,201
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0200	0.0200
Proposed tax rate for incoming year	0.0170	0.0170

(s) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES METROPOLITAN PARK DISTRICT SINKING FUND		
2003 NET ASSESSED VALUATION	\$29,736,842,105	
2002 BILLED NET ASSESSED VALUATION	\$28,280,226,771	
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	438,036	434,044
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	1,199,283	1,199,283
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	1,199,283	1,199,283
6. Remaining property taxes to be collected present year	1,103,084	1,105,022
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	93,112	93,112
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	1,196,196	1,198,134
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	434,949	432,895
10. Total budget estimate for January 1 to December 31 of incoming year	2,003,676	2,003,676
11. Miscellaneous revenue for January 1 to December 31 of incoming year	210,832	210,832
12. Property tax to be raised from January 1 to December 31 of incoming year	1,660,332	1,695,000
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	302,437	335,051
14. Estimated December 31 cash balance, of incoming year	302,437	335,051
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0057	0.0057
Proposed tax rate for incoming year	0.0057	0.0057

(t) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES NON-LAPSING FEDERAL GRANT FUND		
2003 NET ASSESSED VALUATION		
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	(151,151)	(151,151)
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	2,715,359	2,715,359
3. Additional appropriations necessary to be made July 1 to December 31 of present year	220,000	220,000
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	2,935,359	2,935,359
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	3,086,510	3,086,510
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	3,086,510	3,086,510
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	0	0
10. Total budget estimate for January 1 to December 31 of incoming year	828,212	828,212

11. Miscellaneous revenue for January 1 to December 31 of incoming year	828,212	828,212
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	0	0
14. Estimated December 31 cash balance, of incoming year	0	0
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0000	0.0000
Proposed tax rate for incoming year	0.0000	0.0000

(u) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES NON-LAPSING STATE GRANT FUND		
2003 NET ASSESSED VALUATION		
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	388,390	388,390
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	392,140	392,140
3. Additional appropriations necessary to be made July 1 to December 31 of present year	375,000	375,000
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	767,140	767,140
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	378,750	378,750
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	378,750	378,750
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	0	0
10. Total budget estimate for January 1 to December 31 of incoming year	75,000	75,000
11. Miscellaneous revenue for January 1 to December 31 of incoming year	75,000	75,000
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	0	0
14. Estimated December 31 cash balance, of incoming year	0	0
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0000	0.0000
Proposed tax rate for incoming year	0.0000	0.0000

SECTION 2. Estimates of Funds to be Raised and Proposed Tax Rates for Marion County Government.

In accordance with law and the appropriations and allocations of revenues adopted for the calendar year 2003 for the Marion County government, the tax rates for the respective funds are calculated as follows:

(a) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES COUNTY GENERAL FUND		
2003 NET ASSESSED VALUATION	33,434,992,780	
2002 BILLED NET ASSESSED VALUATION	28,982,117,020	
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	29,106,364	29,106,364
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	95,107,242	95,107,242
3. Additional appropriations necessary to be made July 1 to December 31 of present year	920,880	920,880
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	96,028,122	96,028,122
6. Remaining property taxes to be collected present year	43,668,988	43,668,988
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	38,095,818	38,095,818
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	81,764,806	81,764,806
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	14,843,048	14,843,048
10. Total budget estimate for January 1 to December 31 of incoming year	196,218,080	182,047,417
11. Miscellaneous revenue for January 1 to December 31 of incoming year	91,847,190	72,164,669
12. Property tax to be raised from January 1 to December 31 of incoming year	92,652,903	106,222,972
13.a. Election Board Reserve	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	3,125,061	11,183,272
14. Estimated December 31 cash balance, of incoming year	3,125,061	11,183,272
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.3177	0.3177
Proposed tax rate for incoming year	0.3177	0.3177

(b) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES PROPERTY REASSESSMENT FUND		
2003 NET ASSESSED VALUATION	29,163,645,969	
2002 BILLED NET ASSESSED VALUATION	28,982,117,020	
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	4,893,894	4,893,894
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	3,318,068	3,318,068
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	3,318,068	3,318,068
6. Remaining property taxes to be collected present year	810,976	810,976
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	140,084	140,084
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	951,060	951,060
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	2,526,886	2,526,886
10. Total budget estimate for January 1 to December 31 of incoming year	4,492,494	4,492,494

11. Miscellaneous revenue for January 1 to December 31 of incoming year	299,534	299,534
12. Property tax to be raised from January 1 to December 31 of incoming year	1,735,324	1,735,324
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	69,160	69,160
14. Estimated December 31 cash balance, of incoming year	69,160	69,160
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0059	0.0059
Proposed tax rate for incoming year	0.0059	0.0059

(c) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES SURVEYOR'S CORNER PERPETUATION FUND		
2003 NET ASSESSED VALUATION		
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	533,593	533,593
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	118,268	118,268
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	118,268	118,268
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	100,000	100,000
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	100,000	100,000
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	515,325	515,325
10. Total budget estimate for January 1 to December 31 of incoming year	141,744	141,744
11. Miscellaneous revenue for January 1 to December 31 of incoming year	220,000	220,000
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	593,581	593,581
14. Estimated December 31 cash balance, of incoming year	593,581	593,581
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0	0
Proposed tax rate for incoming year	0	0

(d) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES SUPPLEMENTAL ADULT PROBATION FEES FUND		
2003 NET ASSESSED VALUATION		
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	293,668	293,668
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	1,010,902	1,010,902
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0

5. Total expenditures for current year (add lines 2-4)	1,010,902	1,010,902
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	720,000	720,000
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	720,000	720,000
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	2,766	2,766
10. Total budget estimate for January 1 to December 31 of incoming year	1,500,152	1,500,152
11. Miscellaneous revenue for January 1 to December 31 of incoming year	1,500,000	1,500,000
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	2,614	2,614
14. Estimated December 31 cash balance, of incoming year	2,614	2,614
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0	0
Proposed tax rate for incoming year	0	0

(e) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES JUVENILE PROBATION FEES FUND		
2003 NET ASSESSED VALUATION		
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	165,180	165,180
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	60,644	60,644
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	60,644	60,644
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	50,000	50,000
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	50,000	50,000
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	154,536	154,536
10. Total budget estimate for January 1 to December 31 of incoming year	70,000	70,000
11. Miscellaneous revenue for January 1 to December 31 of incoming year	75,000	75,000
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	159,536	159,536
14. Estimated December 31 cash balance, of incoming year	159,536	159,536
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0	0
Proposed tax rate for incoming year	0	0

(f) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES GUARDIAN AD LITEM FUND		
2003 NET ASSESSED VALUATION		
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	8,405	8,405
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	65,918	65,918
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	65,918	65,918
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	60,000	60,000
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	60,000	60,000
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	2,487	2,487
10. Total budget estimate for January 1 to December 31 of incoming year	65,918	65,918
11. Miscellaneous revenue for January 1 to December 31 of incoming year	65,918	65,918
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	1,569	1,569
14. Estimated December 31 cash balance, of incoming year	1,569	1,569
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0	0
Proposed tax rate for incoming year	0	0

(g) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES COUNTY DIVERSION FUND		
2003 NET ASSESSED VALUATION		
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	998,227	998,227
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	578,117	578,117
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	578,117	578,117
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	400,000	400,000
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	400,00	400,00
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	820,110	820,110
10. Total budget estimate for January 1 to December 31 of incoming year	883,296	883,296

11. Miscellaneous revenue for January 1 to December 31 of incoming year	775,000	775,000
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	711,814	711,814
14. Estimated December 31 cash balance, of incoming year	711,814	711,814
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0	0
Proposed tax rate for incoming year	0	0

(h) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES ALCOHOL AND DRUG SERVICES FUND		
2003 NET ASSESSED VALUATION		
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	368,500	368,500
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	94,220	694,220
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	694,220	694,220
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	550,000	550,000
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	550,000	550,000
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	224,280	224,280
10. Total budget estimate for January 1 to December 31 of incoming year	1,098,055	1,098,055
11. Miscellaneous revenue for January 1 to December 31 of incoming year	1,200,200	1,200,200
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	326,225	326,225
14. Estimated December 31 cash balance, of incoming year	326,225	326,225
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0	0
Proposed tax rate for incoming year	0	0

(i) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES COUNTY EXTRADITION FUND		
2003 NET ASSESSED VALUATION		
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	417,461	417,461
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	61,009	61,009
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0

4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	61,009	61,009
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	30,000	30,000
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	30,000	30,000
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	386,452	386,452
10. Total budget estimate for January 1 to December 31 of incoming year	141,580	141,580
11. Miscellaneous revenue for January 1 to December 31 of incoming year	100,000	100,000
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	344,872	344,872
14. Estimated December 31 cash balance, of incoming year	344,872	344,872
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0	0
Proposed tax rate for incoming year	0	0

(j) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES LAW ENFORCEMENT FUND		
2003 NET ASSESSED VALUATION		
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	1,059,040	1,059,040
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	540,052	540,052
3. Additional appropriations necessary to be made July 1 to December 31 of present year	25,368	25,368
4. Outstanding temporary loans to be paid and not included in lines 2 or 3		
5. Total expenditures for current year (add lines 2-4)	565,420	565,420
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	205,000	205,000
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	205,000	205,000
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	698,620	698,620
10. Total budget estimate for January 1 to December 31 of incoming year	849,220	849,220
11. Miscellaneous revenue for January 1 to December 31 of incoming year	585,000	585,000
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	434,400	434,400
14. Estimated December 31 cash balance, of incoming year	434,400	434,400
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate		
Proposed tax rate for incoming year		

(k) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES DRUG FREE COMMUNITY FUND		
2003 NET ASSESSED VALUATION		
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	635,080	635,080
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	506,946	506,946
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	506,946	506,946
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	175,000	175,000
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	175,000	175,000
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	303,134	303,134
10. Total budget estimate for January 1 to December 31 of incoming year	600,000	600,000
11. Miscellaneous revenue for January 1 to December 31 of incoming year	400,000	400,000
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	103,134	103,134
14. Estimated December 31 cash balance, of incoming year	103,134	103,134
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate		
Proposed tax rate for incoming year		

(l) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES SHERIFF'S CONTINUING EDUCATION FUND		
2003 NET ASSESSED VALUATION		
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	(43,673)	(43,673)
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	242	242
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	242	242
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	26,000	26,000
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	26,000	26,000
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	(17,915)	(17,915)
10. Total budget estimate for January 1 to December 31 of incoming year	30,000	30,000

11. Miscellaneous revenue for January 1 to December 31 of incoming year	48,000	48,000
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	85	85
14. Estimated December 31 cash balance, of incoming year	85	85
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate		
Proposed tax rate for incoming year		

(m) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES CONDITIONAL RELEASE FUND		
2003 NET ASSESSED VALUATION		
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	533,589	533,589
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	93,496	93,496
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	93,946	93,946
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	50,000	50,000
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	50,000	50,000
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	490,093	490,093
10. Total budget estimate for January 1 to December 31 of incoming year	141,881	141,881
11. Miscellaneous revenue for January 1 to December 31 of incoming year	90,000	90,000
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	438,212	438,212
14. Estimated December 31 cash balance, of incoming year	438,212	438,212
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0	0
Proposed tax rate for incoming year	0	0

(n) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES LOCAL EMERGENCY PLANNING AND RIGHT TO KNOW FUND		
2003 NET ASSESSED VALUATION		
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	152,990	152,990
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	57,705	57,705
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0

4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	57,705	57,705
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	0	0
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	0	0
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	95,285	95,285
10. Total budget estimate for January 1 to December 31 of incoming year	67,500	67,500
11. Miscellaneous revenue for January 1 to December 31 of incoming year	45,000	45,000
2. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	72,785	72,785
14. Estimated December 31 cash balance, of incoming year	72,785	72,785
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0	0
Proposed tax rate for incoming year	0	0

(o) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES LAW ENFORCEMENT EQUITABLE SHARE FUND		
2003 NET ASSESSED VALUATION		
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	651,318	651,318
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	683,668	683,668
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	683,668	683,668
6. Remaining property taxes to be collected present year		
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	35,000	35,000
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	35,000	35,000
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	2,655	2,655
10. Total budget estimate for January 1 to December 31 of incoming year	0	0
11. Miscellaneous revenue for January 1 to December 31 of incoming year	0	0
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	2,655	2,655
14. Estimated December 31 cash balance, of incoming year	2,655	2,655
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0	0
Proposed tax rate for incoming year	0	0

(p) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES COUNTY MISDEMEANANT FUND		
2003 NET ASSESSED VALUATION		
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	(219,431)	(219,431)
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	227,090	227,090
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	227,090	227,090
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	600,551	600,551
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	600,551	600,551
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	154,030	154,030
10. Total budget estimate for January 1 to December 31 of incoming year	636,125	636,125
11. Miscellaneous revenue for January 1 to December 31 of incoming year	600,551	600,551
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	118,456	118,456
14. Estimated December 31 cash balance, of incoming year	118,456	118,456
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0	0
Proposed tax rate for incoming year	0	0

(q) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES COMMUNITY CORRECTIONS HOME DETENTION FUND (PRE-TRIAL PORTION ONLY)		
2003 NET ASSESSED VALUATION		
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	18,260	18,260
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	16,748	16,748
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	16,748	16,748
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	30,000	30,000
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	30,000	30,000
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	31,512	31,512
10. Total budget estimate for January 1 to December 31 of incoming year	71,043	71,043

11. Miscellaneous revenue for January 1 to December 31 of incoming year	70,000	70,000
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	30,469	30,469
14. Estimated December 31 cash balance, of incoming year	30,469	30,469
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate		
Proposed tax rate for incoming year		

- (r) **ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES
STATE AND FEDERAL GRANTS FUND**
(This budget makes no appropriations from this fund.)

- (s) **ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES
COUNTY GRANTS FUND**
(This budget makes no appropriations from this fund.)

(t) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES DEFERRAL PROGRAM FEE FUND		
2003 NET ASSESSED VALUATION		
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	3,568,042	3,568,042
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	2,664,252	2,664,252
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	2,664,252	2,664,252
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	1,070,000	1,070,000
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	1,070,000	1,070,000
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	1,973,790	1,973,790
10. Total budget estimate for January 1 to December 31 of incoming year	3,563,307	3,563,307
11. Miscellaneous revenue for January 1 to December 31 of incoming year	3,070,000	3,070,000
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	1,480,483	1,480,483
14. Estimated December 31 cash balance, of incoming year	1,480,483	1,480,483
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate		
Proposed tax rate for incoming year		

(u) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES MARION COUNTY CUMULATIVE CAPITAL DEVELOPMENT FUND		
2003 NET ASSESSED VALUATION	29,163,645,969	
2002 BILLED NET ASSESSED VALUATION	28,982,117,020	
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	(684,812)	(684,812)
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	1,182,329	1,182,329
3. Additional appropriations necessary to be made July 1 to December 31 of present year	225,000	225,000
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	1,407,329	1,407,329
6. Remaining property taxes to be collected present year	4,068,625	4,068,625
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	(1,371,275)	(1,371,275)
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	2,697,350	2,697,350
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	605,209	605,209
10. Total budget estimate for January 1 to December 31 of incoming year	6,118,792	6,118,792
11. Miscellaneous revenue for January 1 to December 31 of incoming year	(2,943,517)	(2,943,517)
12. Property tax to be raised from January 1 to December 31 of incoming year	8,632,439	8,632,439
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	175,339	175,339
14. Estimated December 31 cash balance, of incoming year	175,339	175,339
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0296	0.0296
Proposed tax rate for incoming year	0.0296	0.0296

(v) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES SUPPLEMENTAL PUBLIC DEFENDER FUND		
2003 NET ASSESSED VALUATION		
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	115,448	115,448
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	203,028	203,028
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	203,028	203,028
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	100,000	100,000
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	100,000	100,000
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	12,420	12,420
10. Total budget estimate for January 1 to December 31 of incoming year	205,000	205,000

11. Miscellaneous revenue for January 1 to December 31 of incoming year	220,000	220,000
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	27,420	27,420
14. Estimated December 31 cash balance, of incoming year	27,420	27,420
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0	0
Proposed tax rate for incoming year	0	0

(w) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES COUNTY RECORDER'S PERPETUATION FUND		
2003 NET ASSESSED VALUATION		
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	4,189,844	4,189,844
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	576,147	576,147
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	576,174	576,174
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	700,000	700,000
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	700,000	700,000
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	4,313,697	4,313,697
10. Total budget estimate for January 1 to December 31 of incoming year	808,926	808,926
11. Miscellaneous revenue for January 1 to December 31 of incoming year	1,500,000	1,500,000
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	5,004,771	5,004,771
14. Estimated December 31 cash balance, of incoming year	5,004,771	5,004,771
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0	0
Proposed tax rate for incoming year	0	0

(x) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES JURY PAY FUND		
2003 NET ASSESSED VALUATION		
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	596,075	596,075
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	229,729	229,729
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0

4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	229,729	229,729
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	120,000	120,000
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	120,000	120,000
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	486,346	486,346
10. Total budget estimate for January 1 to December 31 of incoming year	250,000	250,000
11. Miscellaneous revenue for January 1 to December 31 of incoming year	250,000	250,000
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	486,346	486,346
14. Estimated December 31 cash balance, of incoming year	486,346	486,346
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0	0
Proposed tax rate for incoming year	0	0

(y) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES INFORMATION SERVICES INTERNAL SERVICES FUND		
2003 NET ASSESSED VALUATION		
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	1,311,654	1,311,654
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	22,970,479	22,970,479
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	22,970,479	22,970,479
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	23,034,154	23,034,154
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	23,034,154	23,034,154
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	1,375,329	1,375,329
10. Total budget estimate for January 1 to December 31 of incoming year	32,720,714	32,720,714
11. Miscellaneous revenue for January 1 to December 31 of incoming year	32,727,237	32,727,237
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	1,381,852	1,381,852
14. Estimated December 31 cash balance, of incoming year	1,381,852	1,381,852
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0	0
Proposed tax rate for incoming year	0	0

(z) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES ENHANCED ACCESS FUND		
2003 NET ASSESSED VALUATION		
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	250,521	250,521
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	38,846	38,846
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	38,846	38,846
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	8,000	8,000
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	8,000	8,000
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	199,175	199,175
10. Total budget estimate for January 1 to December 31 of incoming year	100,000	100,000
11. Miscellaneous revenue for January 1 to December 31 of incoming year	13,000	13,000
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	112,175	112,175
14. Estimated December 31 cash balance, of incoming year	112,175	112,175
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0	0
Proposed tax rate for incoming year	0	0

(aa) ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES JUVENILE COURT ALTERNATIVE SCHOOL SERVICES FUND		
2003 NET ASSESSED VALUATION		
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	134,599	134,599
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	308,468	308,468
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	308,468	308,468
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	300,000	300,000
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	300,000	300,000
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	126,131	126,131
10. Total budget estimate for January 1 to December 31 of incoming year	562,218	562,218

11. Miscellaneous revenue for January 1 to December 31 of incoming year	475,000	475,000
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	38,913	38,913
14. Estimated December 31 cash balance, of incoming year	38,913	38,913
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0	0
Proposed tax rate for incoming year	0	0

SUMMARIES OF APPROPRIATIONS AND TAX LEVIES

SECTION 3. Summary of Consolidated City Appropriations and Tax Levies.

SUMMARIES OF APPROPRIATIONS, MISCELLANEOUS REVENUE, TAX LEVIES, NET ASSESSED VALUE AND TAX RATE					
Fund	Appropriation	Miscellaneous Revenue	Tax Levy	Net Assessed Value	Tax Rate
Consolidated County	59,541,079	29,637,792	21,387,505	29,996,500,000	0.0713
Federal Grants	36,301,639	36,115,407	0	0	0.0000
Redevelopment General	1,241,748	587,717	523,629	29,090,500,000	0.0018
Sanitation Liquid Waste	49,403,474	47,322,328	0	0	0.0000
State Grants	8,700,000	8,700,000	0	0	0.0000
Solid Waste Disposal	12,645,460	9,508,300	0	0	0.0000
Flood Control	0	(509,561)	0	0	0.0000
Storm Water Management Utility	3,224,417	6,003,372	0	0	0.0000
Maintenance Operations General	0	0	0	0	0.0000
Transportation General	52,333,622	45,712,000	0	0	0.0000
Parking Meter	1,854,506	1,680,000	0	0	0.0000
Park General	24,934,963	7,091,117	18,447,848	29,996,500,000	0.0615
City Cumulative Capital Development	11,834,985	(1,007,392)	13,018,483	27,817,271,368	0.0468
Consolidated County Cumulative Capital Dev	3,500,000	4,375,000	0	0	0.0000
City General Sinking	465,656	46,692	445,000	27,812,500,000	0.0016
Redevelopment District Sinking	17,430,381	3,480,174	11,400,000	27,737,226,277	0.0411
Sanitary District Sinking	9,097,085	7,219,898	681,000	27,240,000,000	0.0025
Flood Control District Sinking	5,322,914	5,342,914	0	0	0.0000
Metropolitan Thorough-fare District Sinking	7,916,796	3,058,969	5,057,100	29,747,647,059	0.0170
Metropolitan Park District Sinking	2,003,676	210,832	1,695,000	29,736,842,105	0.0057
Non-Lapsing Federal Grants	828,212	828,212	0	0	0.0000
Non-Lapsing State Grants	75,000	75,000	0	0	0.0000
Total	308,655,613	215,478,771	72,728,885		0.2493

SECTION 4. Summary of County Appropriations and Tax Levies.

SUMMARIES OF APPROPRIATIONS, MISCELLANEOUS REVENUE, TAX LEVIES, NET ASSESSED VALUE AND TAX RATE					
Fund	Appropriation	Miscellaneous Revenue	Tax Levy	Net Assessed Value	Tax Rate
County General	182,047,417	72,164,669	106,222,972	33,434,992,780	0.3177
Property Reassessment	4,492,494	299,534	1,735,234	29,163,645,969	0.0059
Auditor's Endorsement Fee	200,000	120,000			
Surveyor's Corner Perpetuation	141,744	220,000			
Supplemental Adult Probation Fees	1,500,152	1,500,000			
Juvenile Probation Fees	70,000	75,000			
Guardian Ad Litem	65,918	65,000			
County Diversion	883,296	775,000			
Alcohol and Drug Services	1,098,055	1,200,000			
County Extradition	141,580	100,000			
Law Enforcement	849,220	585,000			
Drug Free Community	600,000	400,000			
Sheriff's Continuing Education	30,000	48,000			
Conditional Release Fee	141,881	90,000			
Local Emergency Planning and Right to Know	67,500	45,000			
Forensic's Training	310,525	174,000			
Deferral Program Fee	3,563,307	3,070,000			
Marion County Cumulative Capital Development	6,118,792	-2,943,517	8,632,439	29,163,645,969	0.0296
Supplemental Public Defender	205,000	220,000			
County Recorder's Perpetuation	808,926	1,500,000			
Jury Pay	250,000	250,000			
Information Services Agency	32,720,714	32,727,237			
Enhanced Access	100,000	13,000			
Sales Disclosure Fee	0	80,000			
Juvenile Court Alternative School Services	562,218	475,000			
County Misdemeanant	636,125	600,551			
Home Detention (Pre-trial)	71,043	70,000			
Total	237,675,907	113,923,474	116,590,645		0.3532

LEVY OF PROPERTY TAXES

SECTION 5. Tax Levies for Consolidated City and Its Special Taxing Districts.

(a) CONSOLIDATED COUNTY FUND. For the use and benefit of the Consolidated County Fund for the county-wide functions of the consolidated city, there is hereby levied and assessed, in the year 2002, collectible in the year 2003, the sum of seven and thirteen hundredths cents (\$.0713) on each one hundred dollars (\$100.00) of the assessed valuation of the taxable property of said Marion County, which taxes, when collected, shall be paid into the Consolidated County Fund.

(b) CITY SINKING FUND. For the use and benefit of the City Sinking Fund, there is hereby levied and assessed, in the year 2002, collectible in the year 2003, the sum of sixteen hundredths cents (\$.0016) on each one hundred dollars (\$100.00) of the assessed valuation of the taxable property of the Consolidated City of Indianapolis, which taxes, when collected, shall be paid into the City Sinking Fund.

(c) INDIANAPOLIS CUMULATIVE CAPITAL DEVELOPMENT FUND. For the use and benefit of the Indianapolis Cumulative Capital Development Fund, there is hereby levied and assessed, in the year 2002, collectible in the year 2003, the sum of four and sixty-eight hundredths cents (\$.0468) on each one hundred dollars (\$100.00) of the assessed valuation of the taxable property of the Consolidated City of Indianapolis, which taxes, when collected, shall be paid into the Indianapolis Cumulative Capital Development Fund.

(d) SPECIAL TAXING DISTRICTS' FUNDS. For the use and benefit of the Consolidated City of Indianapolis, there is hereby levied and assessed, in the year 2002, collectible in the year 2003, on the assessed valuation of taxable property of the City of Indianapolis, a consolidated city or in the applicable special taxing district thereof, as assessed and returned for taxation in said City, all of which levies are duly authorized by specific law, tax rates as follows:

- (1) REDEVELOPMENT GENERAL FUND: Eighteen hundredths cents (\$.0018) for the Redevelopment General Fund for each one hundred dollars (\$100.00) valuation of such special taxing district, taxable property;
- (2) FLOOD CONTROL GENERAL FUND: Zero cents (\$.0000) for the Flood Control General Fund for each one hundred dollars (\$100.00) valuation of the flood control special taxing district, taxable property, County Assessed Valuation;
- (3) TRANSPORTATION GENERAL FUND: Zero cents (\$.0000) on each one hundred dollars (\$100.00) valuation of the Metropolitan Thoroughfare Special Taxing District property, County Assessed Valuation;
- (4) PARK GENERAL FUND: Six and fifteen hundredths cents (\$.0615) for the Park General Fund for each one hundred dollars (\$100.00) valuation of such special taxing district, taxable property, County Assessed Valuation;
- (5) REDEVELOPMENT DISTRICT SINKING FUND: Four and eleven hundredths cents (\$.0411) for the Redevelopment Sinking Fund on each one hundred dollars (\$100.00) valuation of such special taxing district, taxable property;
- (6) SANITARY DISTRICT SINKING FUND: Twenty-five hundredths cents (\$.0025) for the Sanitary District Sinking Fund on each one hundred dollars (\$100.00) valuation of such special taxing district;
- (7) FLOOD CONTROL DISTRICT SINKING FUND: Zero cents (\$.0000) for the Flood Control District Sinking Fund on each one hundred dollars (\$100.00) valuation of such special taxing district, taxable property, County Assessed Valuation;
- (8) PARK DISTRICT SINKING FUND: Fifty-seven hundredths cents (\$.0057) for the Park District Sinking Fund on each one hundred dollars (\$100.00) valuation of such special taxing district property, County Assessed Valuation;
- (9) METROPOLITAN THOROUGHFARE SINKING FUND: One and seventy hundredths cents (\$.0170) for the Metropolitan Thoroughfare Sinking Fund on each one hundred dollars (\$100.00) valuation on such special taxing district, taxable property, County Assessed Valuation.

SECTION 6. It is determined that Marion County cannot carryout its governmental function for the calendar year 2003 under the levy limitations of IC 6-1.1-18-3, specifically the need to implement, operate, and staff additional court and detention facilities to comply with state and federal court directions; and authorize the appropriate officers of Marion County to appeal to the department of local government finance for relief from such limitations.

SECTION 7. Tax Levies for Marion County Government for 2003.

(a) COUNTY GENERAL FUND. For the use and benefit of the County General Fund, there is hereby levied and assessed in 2002, collectible in the year 2003, the sum of thirty-one and seventy-seven hundredths cents (\$0.3177) on each one hundred dollars (\$100.00) of the assessed valuation of taxable property of said Marion County, which taxes, when collected, shall be paid into the County General Fund in the County Treasury, which includes an excess levy of four million nine hundred fifty-three thousand nine hundred fifty dollars (\$4,953,950).

(b) MARION COUNTY CUMULATIVE CAPITAL DEVELOPMENT FUND. For the use and benefit of the Marion County Cumulative Capital Development Fund, there is hereby levied and assessed in 2002, collectible in the year 2003, the sum of two and ninety-six hundredths cents (\$0.0296) on each one hundred dollars (\$100.00) of the assessed valuation of taxable property of said Marion County, which taxes, when collected, shall be paid into the Marion County Cumulative Capital Development Fund in the County Treasury.

(c) PROPERTY REASSESSMENT FUND. For the use and benefit of the 2003 Reassessment Fund, there is hereby levied and assessed in 2002, collectible in the year 2003, the sum of fifty-nine hundredths cents (\$0.0059) on each one hundred dollars (\$100.00) of the assessed valuation of taxable property of said Marion County, which taxes, when collected, shall be paid into the Property Reassessment Fund.

SECTION 8. Tax Levies for Municipal Corporations.

(a) INDIANAPOLIS-MARION COUNTY PUBLIC LIBRARY OPERATING FUND. For the use and benefit of the Indianapolis-Marion County Public Library Operating Fund, there is hereby levied and assessed or confirmed as may be required by law, on all real estate and improvements and all personal property subject thereto within the County of Marion, with the exception of that located within the City of Beech Grove, Indiana, and the Town of Speedway, Indiana, as assessed and returned for taxation in said County for the year 2001, collectible in the year 2002, a tax rate of nine and eighty-three hundredths cents (\$0.0983) on each one hundred dollars (\$100.00) valuation of such taxable property, which levy is duly authorized by specific law.

(b) INDIANAPOLIS-MARION COUNTY PUBLIC LIBRARY BOND SINKING FUND. For the use and benefit of the Indianapolis-Marion County Public Library Bond Sinking Fund, there is hereby levied and assessed or confirmed as may be required by law, on all real estate and improvements and all personal property subject thereto within the County of Marion, with the exception of that located within the City of Beech Grove, Indiana, and the Town of Speedway, Indiana, as assessed and returned for taxation in said County for the year 2001, collectible in the year 2002, a tax rate of three and sixty-five hundredths cents (\$0.0365) on each one hundred dollars (\$100.00) valuation of such taxable property, which levy is duly authorized by specific law.

(c) INDIANAPOLIS PUBLIC TRANSPORTATION CORPORATION GENERAL FUND. For the use and benefit of the Indianapolis Public Transportation Corporation General Fund, there is hereby levied and assessed, in the year 2001, collectible in the year 2002, the sum of three and twenty-eight hundredths cents (\$0.0328) on each one hundred dollars (\$100.00) of the assessed valuation of the taxable property of the Consolidated City of Indianapolis, which taxes, when collected, shall be paid into the Indianapolis Public Transportation Corporation General Fund.

(d) INDIANAPOLIS PUBLIC TRANSPORTATION CORPORATION BOND SINKING FUND. For the use and benefit of the Indianapolis Public Transportation Corporation Bond Sinking Fund, there is hereby levied and assessed, in the year 2001, collectible in the year 2002, the sum of forty-four hundredths cents (\$0.0044) on each one hundred dollars (\$100.00) of the assessed valuation of the taxable property of the Consolidated City of Indianapolis, which taxes, when collected, shall be paid into the Indianapolis Public Transportation Corporation Bond Sinking Fund.

(e) HEALTH AND HOSPITAL GENERAL FUND. For the use and benefit of the Health and Hospital General Fund, there is hereby levied and assessed in 2001, collectible in the year 2002, the sum of twenty-four and ninety-three hundredths cents (\$0.2493) on each one hundred dollars (\$100.00) of the

assessed valuation of taxable property of said Marion County, which taxes, when collected, shall be paid into the Health and Hospital Fund.

(f) HEALTH AND HOSPITAL BOND FUND. For the use and benefit of the Health and Hospital Bond Fund, there is hereby levied and assessed in 2001, collectible in the year 2002, the sum of one and thirty-two hundredths cents (\$0.0132) on each one hundred dollars (\$100.00) of the assessed valuation of taxable property of said Marion County, which taxes, when collected, shall be paid into the Health and Hospital Bond Fund.

(g) HEALTH AND HOSPITAL CUMULATIVE BUILDING FUND. For the use and benefit of the Health and Hospital Cumulative Building Fund, there is hereby levied and assessed in 2001, collectible in the year 2002, the sum of six hundredths cents (\$0.0006) on each one hundred dollars (\$100.00) of the assessed valuation of taxable property of said Marion County, which taxes, when collected, shall be paid into the Health and Hospital Bond Cumulative Building Fund.

COLLECTION AND EFFECTIVE DATE

SECTION 9. Collection of Tax Levies.

The Auditor of Marion County, Indiana, is hereby ordered and directed to place all the tax levies set forth in this ordinance (as approved by the State Board of Tax Commissioners) upon the property tax duplicate. The County Treasurer of such county, ex-officio City Treasurer, is hereby ordered and directed to collect the levies stated in Section 5 for the City of Indianapolis, a Consolidated City, and its special taxing districts, and make due report thereof as provided by law.

SECTION 10. Effective Date.

This ordinance shall be in full force and effect beginning January 1, 2003, after passage by the City-County Council, approval by the Mayor (or passage over his veto), and approval by the State Board of Tax Commissioners as required by law.

PROPOSAL NO. 411, 2002. Councillor Borst reported that the Administration and Finance, Metropolitan Development, Parks and Recreation, Public Safety and Criminal Justice, and Public Works Committees heard Proposal No. 401, 2002 on September 4, 5, 9, 10, and 16, 2002. The proposal, sponsored by Councillors Borst and Boyd, authorizes the payment of certain dues for the city and county offices and agencies. By unanimous votes, the Administration and Finance, Parks and Recreation, and Public Works Committees reported the proposal to the Council with the recommendation that it do pass. By a 7-1 vote, the Metropolitan Development Committee reported the proposal to the Council with the recommendation that it do pass. By a 9-0 vote, the Public Safety and Criminal Justice Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Borst moved, seconded by Councillor Boyd, for adoption. Proposal No. 411, 2002, as amended, was adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford
2 NAYS: Bradford, Coonrod

Proposal No. 411, 2002, as amended, was retitled FISCAL ORDINANCE NO. 102, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 102, 2002

A FISCAL ORDINANCE authorizing the payment of certain dues for the City and County.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Authorization of Dues and Memberships.

In accordance with Sec. 181-602 of the Revised Code of the Consolidated City and County, the respective officials are authorized to pay dues in the following associations to the extent of available appropriations therefor:

ADMINISTRATION

- Alliance for Community Media
- American Gas Association
- American Institute of Certified Public Accountants
- American Management Association
- American Production and Inventory Control Society, Inc.
- American Public Works Association
- American Society for Training and Development
- American Society of Personnel Administration
- American Society of Safety Engineers
- American Society for Quality Control
- Associated Public-Safety Communications Officers, Inc.
- Association of Equipment Management Professionals
- Association of Government Accountants
- Association for Information Image Management
- Association for Quality & Participation
- Automotive Fleet & Leasing Association
- Center for Leadership Development (Annual Minority Business & Professional Achievers)
- Central Indiana Clean Cities Alliance
- Central Indiana Wang Users Association
- Central Indiana American Society for Training and Development
- Compensation and Benefits Professionals of Indiana
- Equipment Maintenance Council
- Government Finance Officers Association
- Greater Indianapolis Employers Against Domestic Violence
- Hoosier Minority Chamber of Commerce
- Human Resource Association of Central Indiana
- Indiana Affirmative Action Association
- Indiana Association for Community Economic Development
- Indiana Association of Cities & Towns
- Indiana Civil Liberties Union Foundation
- Indiana CPA Society
- Indiana Employers Quality Health Alliance
- Indiana Economic Development Association
- Indiana Government Finance Officers Association
- Indiana Help Desk Professionals
- Indiana Mayors Association
- Indiana Municipal Lawyers Association
- Indiana Notary Association
- Indiana Notary Service & Bonding Company
- Indiana Regional Minority Supplier Development Council
- Indiana Telecommunications Users Association
- Indianapolis Hispanic Chamber of Commerce
- Indianapolis Media Relations Council
- Industrial Television/Video Association
- Institute of Action Research for Community Health
- Institute of Electrical/Electronics Engineers
- Institute of Internal Auditors
- International Association of Official Human Rights Agencies
- International City/County Management Association
- International Institute of Municipal Clerks
- International Municipal Lawyers Association
- International Parking Institute
- International Personnel Management Association
- International Right of Way Association
- International Society of Certified Employee Benefits Specialists
- Local & State Consortium of Civil Rights
- Metropolitan Cities Conference
- Motorola Trunked Users Group
- National Academy of Cable Programming

National Association of Charter School Authorizers
National Association of Counties
National Association of Fleet Administration
National Association of Purchasing Management, Inc.
National Association of Telecommunication Officers & Advisors
National Council for Urban Economic Development
National Emergency Number Association
National Federation of Local Cable Programmers
National Fire Protection Agency
National Institute of Government Purchasing
National Institute of Government Purchasing - Indiana Chapter
National Institute of Municipal Clerks
National League of Cities
National Press Photographers Association
National Safety Council
National School Age Care Alliance
National Society for Quality Control
Notary Public
Neighborhoods USA
Partners for Livable Places
Public Relations Society of America
Public Risk & Insurance Management Association
Public Technology, Inc.
Public Risk and Insurance Management Association
Service Technical Society
Society of American Archivists
Society of Broadcast Engineers
Society of Cable Telecommunication Engineers
Society for Human Resource Management
Society of Motion Picture & Television Engineers
State and Local Government Benefits Association
Town Affiliation Association
U.S. Conference of Mayors Employment and Training Council
U.S. Conference of Mayors
Urban League
WEB Network of Benefit Professionals
WorkdatWork

METROPOLITAN DEVELOPMENT

American Association of Water Resources
American Chemical Society
American Institute of Architects
American Institute of Certified Public Accountants
American Planning Association
American Public Works Association
American Society of Civil Engineers
American Waterworks Association
Apartment Association of Indiana
Association for Information Management Professionals (ARMA International)
Association of Local Housing Finance Agencies
Association of Major City Building Officials
Association of Metropolitan Planning Organizations
Association of State Floodplain Managers
Builders Association of Greater Indianapolis
Building Officials for Code Administration
Building Officials & Management Association
Chamber of Commerce
Central Indiana Community League
Economic Club of Indianapolis
Electrical League of Indiana
Enterprise Content Management Association (AIIM International)
Government Finance Officer Association
Homeless Network of Indianapolis
Indiana Association of Building Officials, Inc.
Indiana Association for Community Economic Development
Indiana Association of Electrical Inspectors

Indiana Association for Floodplain and Storm-Water Management
Indiana Association of Cities and Towns
Indiana Chapter of the National Institute of Governmental Purchasing
Indiana Help Desk Professionals
Indiana High Speed Rail Association
Indiana Historical Society
Indiana Housing Coalition
Indiana Neighborhood Coalition
Indiana Planning Association
Indiana Society of Certified Public Accountants
Indiana Water Resources Association
Indianapolis Chamber of Commerce
Institute of Real Estate Management
International Association of Electrical Inspectors
International Conference of Building Officials
International Economic Development Council
International Right of Way Association
International Transportation Engineers
Metropolitan Indianapolis Board of Realtors
National Alliance of Preservation Commissions
National Association of Housing & Redevelopment Officials
National Association of Housing & Redevelopment Officials - Indiana Chapter
National Association of Housing & Urban Development Officials
National Association of Local Government Environmental Professionals
National Association of Installation Developers
National Community Development Association
International Conference of Building Officials
National Conference of States on Building Codes / Standards
National Council for Urban Economic Development
National Fire Protection Association
National Housing & Rehabilitation Association
National Housing Conference
National Leased Housing Association
National Low Income Housing Coalition
National Society of Professional Engineers
National Trust for Historic Preservation
Preservation Forum
Sagamore Associates
Society of Women Engineers
Southern Building Code Association (SBC)
State Community Development Association
United Way – Central Indiana Regional Citizens League
Urban and Regional Information System Association
Urban Land Institute

PARKS AND RECREATION

Amateur Boxing Association
Amateur Hockey Association
Amateur Softball Association
American Academy for Parks and Recreation Administration
American Association of Botanical Gardens and Arboreturns
American Bicycling Association
American Horticultural Society
American Horticulture Therapy Association
Association of American Accountants
Association of Performing Arts Presenters
Association of Zoological Horticulture
Bicycle Racing Indiana/Kentucky
Central Indiana Association of Volunteer Administrators
Central Indiana Bicycle Association
Central Indiana Network Users Group
Construction Specification Institute
Indiana Association of Event Professionals
Indiana Association of Nurserymen
Indiana CPA Society
Indiana Donors Alliance

Indiana Parks and Recreation Association
Indiana Youth Soccer Association
Indianapolis Chamber of Commerce
Institute of Internal Auditors
Lawrence Chamber of Commerce
LERN (Learning Resources Network)
Midwest Regional Turf Foundation
National Association of County Park and Recreation Officials
National Association of Fund Raising Executives
National Association of Interpreters
National Golf Foundation
National Recreation and Park Association
National Youth Sports Coaches Association
Pro - Am National Basketball Association
Professional Plant Growers Association
Rainforest Action Network
Roger Tory Peterson Institute
The Roundtable Associates, Inc.
Sagamore Associates
United States Amateur Soccer Association
United States Cycling Federation
United States Golf Association
United States Tennis Association
USA Track and Field

PUBLIC SAFETY

AAA Ambulance Association
Airborne Law Enforcement Association
American Polygraph Association
American College of Sports Medicine
Association for Fitness in Business
Association Public Safety Communications Officers
Central Weights and Measures Association
Divers Alert Network
Domestic Violence Network
Emergency Management Alliance (EMA)
Fire Department Safety Officer's Association
Fire Department Training Network
Fire Industry Equipment Research Organization
Fire Inspectors Association of Indiana
Government Finance Officers Association
Idea Today for Fitness Trainer
Indiana Arson and Crime Association, Inc.
Indiana Association of Animal Control Personnel (IAACP)
Indiana Association of Chiefs of Police, Inc.
Indiana Association of Inspectors of Weights and Measures
Indiana Association of Fire Service
Indiana Coalition Against Sexual Assault
Indiana Fire Chiefs' Association
Indiana Fire Instruction Association
Indiana Fire Safety Association
Indiana Notary Association
Indiana Polygraph Association
Indiana Victim Assistance Network
Instrument Society of America
International Association of Chiefs of Police
International Association of Dive Rescue Specialist, Inc.
International Association of Emergency Managers (IAEM)
International Association of Fire Investigators
International Association of Fire Chiefs
International Association for Civilian Oversight of Law Enforcement
International Association for Identification
International Society of Fire Service Instructors
Law enforcement Intelligence Unit
Major Cities Chiefs
Marion County Fire Prevention & Arson Association

Marion County Fire Chiefs' Association
Midwest Contingency Planners (MCP)
Motorola DATA Users Group
Motorola TRUNK Users Group
National Association of Bunco Investigations
National Association of EMS Educators
National Association of EMS Physicians
National Association of Fire Investigators
National Association of Fleet Administrators
National Association of Search and Rescue
National Association of Underwater Instructors
National Conference on Weights and Measures
National Association for Civilian Oversight of Law Enforcement
National Executive Institute Association
National Fire Protection Association
National Information Officers Association
National Institute of Governmental Purchasing
National Organization for Victim Assistance
National Safety Council
National Strength and Conditioning Association
National Tactical Officers Association
Police Executive Research Forum
Professionals Against Confidence Crime
Society of Fire Protection Engineers
Society of National Fire Academy Instructors

PUBLIC WORKS

Academy of Certified Hard Materials
Air & Waste Management Association
AM/FM International
American Association of Construction Engineers
American Chemical Society
American Concrete Institute
American Institute of Professional Geologists
American Management Association
American Planning Association
American Public Works Association
American Road & Transportation
American Society for Quality Control
American Society for Testing Materials
American Society for Training and Development, Inc. (Central Indiana)
American Society of Civil Engineers
American Society of Public Administration
American Water Works Association
Appraisal Institute
Association for Commuter Transportation
Association for Government Accountants
Association of Metropolitan Sewage Agencies
Association of State Floodplain Managers
Association of State Wetlands
Central Indiana Netware Users
Coalition of Resource Recovery and the Environment
Combined Sewer Overflow Partnership
Construction Specifications Institute
Cryogenic Society of America
Geological Society of America
Government Finance Officers Association
Indiana Association of County Engineers
Indiana Chamber of Commerce
Indiana County Highway Supervisors Association
Indiana Ready Mixes Concrete Association
Indiana Society of Hazardous Materials Managers
Indiana Society of Professional Land Surveyors
Indiana State Bar Association
Indiana State Commissioners
Indiana Water Pollution Control Association

Indiana Water Resources Association
Institute of Hazardous Materials Management
Institute of Transportation Engineers
Institutional and Municipal Parking Congress
Instrument Society of America
Instrumentation Testing Association
International Association of Synercom Users
International City/County Management Association
International Erosion Control Association
International Ozone Institute
International Parking Institute
International Right of Way Association
Metropolitan Indianapolis Board of Realtors
Municipal Waste Management Association
National Association of Female Executives
National Association of Fleet Administrators
National Association of Flood and Stormwater Management Agencies
National Association of Sewer Service Companies
National Environment Training Association
National Fire Protection Association
National Ground Water Association
National Institute of Governmental Purchasing
National Notary Association
National Roadside Vegetation Management Association
National Safety Council
National Society of Professional Engineers
National Society of Professional Executives
National Water Well Association
Refrigeration Service Engineers Society
Sagamore Associates
Society of Women Engineers
Solid Waste Association of North America
Synercom Midwest User Group
Transportation Research Board
Urban and Regional Information Systems Association
Urban Land Institute
Water & Wastewater Instrumentation Testing Association
Water Environment Federation
Water Environment Federation (Financial Management)
Water Governmental Research Federation

COUNTY AUDITOR

American Institute of Certified Public Accountants
American Management Association
American Payroll Association
Association of Indiana Counties, Inc.
Government Finance Officers' Association
Indiana Assessor's Association
Indiana Association of County Councils
Indiana Association of County Commissioners
Indiana Auditors' Association
Indiana Certified Public Accountants Society
Indiana Government Finance Officers' Association
National Criminal Justice Association
National Association of Counties
Public Risk Management Association
State and Local Government Benefits Association
Society for Human Resource Management

COUNTY COMMISSIONERS

Employee Services Management, Central Indiana Chapter
Greater Indianapolis Employers Against Domestic Violence
Human Resources Association of Central Indiana
Indiana Association of County Commissioners

COUNTY TREASURER

Association of Indiana Counties
Central Indiana Cash Management Association
Government Finance Officers Association
Indiana County Treasurer's Association
Indiana Government Finance Officers Association
Municipal Treasurers' Association
National Associations of County Treasurers and Finance Officers

CLERK OF CIRCUIT COURT

Association of Indiana Clerks of Circuit Court
Association of Indiana Counties
International Association of Clerks, Recorders,
National Association of Counties
National association of Clerks and Recorders
The Election Center

COUNTY RECORDER

Association of Indiana Counties
Indiana Recorders' Association
International Association of Clerks, Recorders,
National Association of County Clerks and Recorders
Property Records Industry Joint Task Force

COUNTY EXTENSION SERVICE

Association for Supervision and Curriculum Development
The American Dietetics Association
The Community Development Society
Farm Bureau Insurance
Indiana Agricultural Leadership Institute
Indiana Association of School Age Child Care
Indiana Extension Agents' Association
Irrigation Association
Indianapolis Chamber of Commerce
National Association of County Agricultural Agents
National Association of Extension Home Economists
National Association of Extension 4-H Agents
National Science Teachers Association
Sam's Club

COUNTY SURVEYOR

American Congress on Surveying and Mapping
AM/FM International
Central Indiana Chapter of ISPLS
County Surveyors' Association
International Right-of-Way Association
National Association of County Surveyors
Professional Engineers and Land Surveyors
IN-KY-OH Chapter, Automated Mapping and Facility Management
Indiana Society of Professional Land Surveyors
Urisa

COUNTY SHERIFF

American Correctional Association
American Polygraph Association
American Society of Law Enforcement Trainers
Associated Public Safety Communications Officers, Inc.
Community Service Council
Government Finance Officers Association
Indiana Association of Chiefs of Police
Indiana Correctional Association
Indiana Polygraph Association
Indiana Sheriffs' Association
Indiana State Board of Health
Indianapolis Chamber of Commerce
International AFIS Users Association (NEC)

International Arson Association
International Association of Bomb Investigators
International Association of Identification Officer
International Chiefs of Police
International Narcotics Enforcement Association
International Television Association
Internet, Inc.
Law Enforcement Intelligence Unit
Magoclen Intelligence Association
Midwest Gang Investigator's Association
National Bunko Investigator's Association
National Rifle Association (The)
National Sheriffs' Association
Personnel Association of Indianapolis
Professional Photographers' Association

COUNTY CORONER

American Academy of Forensic Sciences, Inc.
Association of Indiana Counties
Indiana Coroners' Association
International Association of Coroners and Medical Examiners
International Association for Identification (Indiana Chapter)
International Homicide Investigators Association
International Reference Organization in Forensic Medicine (INFORM)
National Association of Chiefs of Police
National Association of Counties
National Association of Medical Examiners

COUNTY PROSECUTOR

Association of Government Attorneys in Capital Litigation
Association of Indiana Prosecuting Attorneys
Community Service Council
Domestic Violence Network
Eastern Regional Interstate Child Support Association (ERICSA)
Indiana Victim Assistance Network
Indianapolis Bar Association
International Association of Chiefs of Police
Marion County Council on Adolescent Pregnancy
National Association of Chiefs of Police
National Child Support Enforcement Association
National Council on Crime & Delinquency
National District Attorneys' Association
National Victim Center
Public Relations Society of America

MARION COUNTY COMMUNITY CORRECTIONS AGENCY

American Correctional Association
American Jail Association
Association of Indiana Counties
Indiana Correctional Association
Indiana Association of Community Corrections Act Counties (IACCAC)
National Association of Counties

ASSESSORS

AM/FM International
American Society of Surveyors and Mappers
Association of Indiana Counties
Central Indiana Autocad Users Alliance
Generation 5 Users Group (National)
GEO/SQL Users Group - Midwest Region
IN-KY-OH Chapter, Automated Mapping and Facility Management
Indiana Assessors' Association
Indiana County Assessors' Association
International Association of Assessing Officials
International Association of Assessing Officials (Indiana Chapter)
National Association of Counties

National Association of Independent Fee Appraisers
North Central Regional Association of Assessing Officers
Urban and Regional Information Systems Association

METROPOLITAN EMERGENCY COMMUNICATIONS AGENCY

Association of Public Safety Communications Officials International, Inc.
PRI Users Group
Motorola Data Users Group
Motorola Trunked Users Group
National Emergency Number Association
National Institute of Governmental Purchasing Inc.
STATAGY (Stratus Users Group)
Tiburon Users Group

PUBLIC WELFARE

American Public Welfare Association
Child Abuse and Neglect Council of Marion County
Family Support Center
Indiana State Association of County Welfare Directors
National Center for the Prevention of Child Abuse - Indiana Chapter
National Welfare Fraud Association

INFORMATION SERVICES AGENCY

American Management Association
Association for Information and Image Management
Avaya Users Group
FAMIS User Group
Government Finance Officers Association
Government Management Information Systems
Government Technology Association
Information Management Affiliates-IU School of Business
Microsoft Development Network
Public Technology, Inc.
Society for Information Management
Specialty Technical Publishing
Urban & regional Information Systems Association

JUDICIARY

Academy of Family Mediators
American Association of Law Libraries
American Bar Association
American Correctional Association
America Correctional Training
American Court Alcohol and Drug Coalition
American Inn of the Court
American Judges Association
American Judicature Society
American Management Association
American Probation and Parole Association
American Trial Lawyers' Association
Association of Family and Conciliation Courts
Central Indiana Area Library Services Authority
Child Abuse and Neglect Council
Correctional Accreditation Managers Association
Court Alcohol & Drug Coalition
Domestic Violence Network
Indiana Association of Mediators
Indiana Correctional Association
Indiana Council of Juvenile and Family Court Judges
Indiana Counseling Association on Alcohol and Drug Abuse
Indiana Court Coalition of Alcohol and Drug Services
Indiana Judges' Association
Indiana Public Defender Council-Case Update
Indiana State Bar Association
Indiana Supreme Court Disciplinary Commission
Indiana Trial Lawyers' Association

Indianapolis Bar Association
Indianapolis Substance Abuse Forum
Institute for Court Management
International Association of Family Law
Marion County Bar Association
Marion County Juvenile Delinquency Prevention Council
Mediation Association of Indiana
National Association of Community Service Sentencing
National Association for Court Management
National Association of Pretrial Services Agencies
National Association of Social Workers
National Association for Victims' Assistance
National Association of Women Judges
National Bar Association
National Council on Family Relations
National Council of Juvenile and Family Court Judges
National Council on Crime and Delinquency
National CASA Association
National College of Probate Judges
National Criminal Justice Association
National Institute for Trial Advocacy
National Juvenile Detention Association
National Legal Aid and Defenders' Association
National Reciprocal and Family Support Enforcement Association
Ohio Regional Association of Law Libraries
P.A.C.E.
Probation Officers Professional Association of Indiana, Inc.

FORENSIC SERVICES AGENCY

American Academy of Forensic Sciences (AAFS)
American Society for Quality (ASQ)
American Society of Crime Laboratory Directors (ASCLD)
American Society of Testing and Materials (ASTM)
American Society of Questioned Document Examiners (ASQDE)
Association of Firearms & Toolmark Examiners (AFTE)
Biological Photographer's Association (BPA)
British Forensic Science Society (BFSS)
California Association of Criminalists (CAC)
Canadian Society of Forensic Sciences (CSFS)
Clandestine Laboratory Investigating Chemists (CLIC)
Integrated Ballistics Identification System Int'l Users Group (IBIS – IUG)
International Association of Bloodstain Pattern Analysts (IABPA)
International Association of Arson Investigators (IAAI)
International Wound Ballistics Association (IWBA)
International Association of Identification (IAI) & Indiana Division (IAI)
International Cartridge Collectors' Association (ICCA)
Mid-Atlantic Association of Forensic Science (MAAFS)
Midwestern Association of Forensic Sciences (MAFS)
National Automatic Pistol Collectors' Association (NAPCA)
National Fire Protection Association (NFPA)
National Rifle Association (NRA)
Northeastern Association of Forensic Scientists (NEAFS)
Northwestern Association of Forensic Scientists (NWAFFS)
Southern Association of Forensic Scientists (SAFS)
Southern California Association of Fingerprint Officers (SCAFO)
Southwestern Association of Forensic Scientists (SWAFS)

PUBLIC DEFENDER AGENCY

American Court Alcohol and Drug Coalition
American Trial Lawyers Association
American Management Association
American Society for Training and Development
American Management Association
American Bar Association
Association of Indiana Counties
Association of Government Attorneys in Capital Litigation

Central Indiana American Society for Training and Development
Chamber of Commerce
Court Alcohol & Drug Coalition
Domestic Violence Network
Indiana Trial Lawyers Association
Indiana Association of Criminal Defense Lawyers (IACDL)
Indiana Bar Association
Indiana Public Defender Council-Case Update
Indiana State Bar Association
Indiana Notary Association
Indiana Municipal Lawyers Association
Indianapolis Hispanic Chamber of Commerce
Indianapolis Bar Association
Indianapolis Bar Association
Marion County Bar Association
National Association of Counties
National Legal Aid and Defenders Association
National Bar Association
National Criminal Justice Association
National Association of Criminal Defense Lawyers
National Criminal Defense Lawyers
National Legal Aid & Defender Association (NLADA)
National Defender Investigator Association
Notary Public
P.A.C.E.
Public Relations Society of America

VOTERS REGISTRATION

Indiana Voter Registration Association, Inc.

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

**SPECIAL ORDERS – FINAL ADOPTION – 2003 BUDGET ORDINANCES
POLICE SPECIAL SERVICE DISTRICT**

President SerVaas convened the Police Special Service District Council.

PROPOSAL NO. 398, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 398, 2002 on September 4 and 16, 2002. The proposal, sponsored by Councillors Dowden, Boyd, and Moriarty Adams, is the annual budget for the Police Special Service District for 2003. By a 6-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Coughenour said that she wants to make it clear that \$3,650,000 of this budget is coming from the Sanitary Fund PILOT.

Councillor Dowden said that a six-cent increase would have been all that was needed to equal these additional funds coming from Consolidated County and the PILOT. He said that there has been a lot of rhetoric spouted over the last several weeks regarding police and fire layoffs, and he thinks that it is a shame the public has been led to believe such. He said that he will oppose the proposal this evening because of the way these budgets are being funded, but does not want his negative vote to reflect on the importance of this budget and the personnel covered in it.

Councillor Borst moved, seconded by Councillor Short, for adoption. Proposal No. 398, 2002, as amended, was adopted on the following roll call vote; viz:

23 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Douglas, Gibson, Gray, Horseman, Knox, Langsford, McWhirter, Moriarty Adams, Nytes, Sanders, SerVaas, Short, Soards, Talley, Tilford
6 NAYS: Bradford, Coughenour, Dowden, Massie, Schneider, Smith

Proposal No. 398, 2002, as amended, was retitled POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 3, 2002, and reads as follows:

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 3, 2002

A POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE creating the annual budget of the Police Special Service District of the City of Indianapolis, Indiana, for the fiscal year beginning January 1, 2003, and ending December 31, 2003, appropriating monies for the purpose of defraying the expenses and all outstanding claims and obligations of said Police District and the Police Pension Fund, fixing and establishing the annual rate of taxation and tax levy for the year 2003 for each fund for which a special tax levy is authorized, and fixing a time when this ordinance shall take effect.

BE IT ORDAINED BY THE POLICE SPECIAL SERVICE DISTRICT COUNCIL
OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. For the expenses of the Police Force of the City of Indianapolis for the fiscal year beginning January 1, 2003, and ending December 31, 2003, the sums of money herein set out are hereby appropriated and ordered set apart out of the Police Service District Fund for the purposes herein specified, subject to the law governing the same:

2003 ANNUAL BUDGET DEPARTMENT OF PUBLIC SAFETY POLICE DIVISION		
	ORIGINAL PUBLISHED BUDGET APPROPRIATION	BUDGET APPROVED BY CITY-COUNTY COUNCIL
DEPARTMENT OF PUBLIC SAFETY Police Division	POLICE SERVICE DISTRICT FUND	
1. Personal Services	74,527,774	72,527,774
2. Supplies	823,462	823,462
3. Other Services and Charges	11,000,668	11,000,668
4. Capital Outlay	938,323	938,323
5. Internal Charges	4,793,465	4,793,465
TOTAL	92,083,692	90,083,692

SECTION 2. For the expenses and obligations of the Police Pension of the City of Indianapolis, for the fiscal year beginning January 1, 2003 and ending December 31, 2003, the sums of money herein set out are hereby appropriated and ordered set apart out of the Police Pension Fund for the purposes herein specified, subject to the law governing the same:

	ORIGINAL PUBLISHED BUDGET APPROPRIATION	BUDGET APPROVED BY CITY-COUNTY COUNCIL
DEPARTMENT OF PUBLIC SAFETY Police Division	POLICE PENSION FUND	
1. Personal Services	34,501,825	34,501,825
2. Supplies	4,200	4,200
3. Other Services and Charges	80,625	80,625
4. Capital Outlay	500	500
5. Internal Charges	5,000	5,000
TOTAL	34,592,150	34,592,150

SECTION 3. For the expenses and obligations of the Police Force of the City of Indianapolis, for the fiscal year beginning January 1, 2003 and ending December 31, 2003, the sums of money herein set out are hereby appropriated and ordered set apart out of the Federal Law Enforcement Fund for the purposes herein specified, subject to the law governing the same:

	ORIGINAL PUBLISHED BUDGET APPROPRIATION	BUDGET APPROVED BY CITY-COUNTY COUNCIL
DEPARTMENT OF PUBLIC SAFETY - Police Division	FEDERAL LAW ENFORCEMENT FUND	
1. Personal Services	0	0
2. Supplies	100,000	100,000
3. Other Services and Charges	80,000	80,000
4. Capital Outlay	515,000	515,000
5. Internal Charges	0	0
TOTAL	695,000	695,000

SECTION 4. For the expenses and obligations of the Police Force of the City of Indianapolis, for the fiscal year beginning January 1, 2003 and ending December 31, 2003, the sums of money herein set out are hereby appropriated and ordered set apart out of the State Law Enforcement Fund for the purposes herein specified, subject to the law governing the same:

	ORIGINAL PUBLISHED BUDGET APPROPRIATION	BUDGET APPROVED BY CITY-COUNTY COUNCIL
DEPARTMENT OF PUBLIC SAFETY Police Division	STATE LAW ENFORCEMENT FUND	
1. Personal Services	0	0
2. Supplies	15,000	15,000
3. Other Services and Charges	70,000	70,000
4. Capital Outlay	45,000	45,000
5. Internal Charges	0	0
TOTAL	130,000	130,000

SECTION 5. (a) The salaries, wages, and compensation of the various officers and employees of the Police Special Service District for the ensuing year are now fixed and approved as follows: (i) for all classified personnel of the Police Special Service District set forth in the following schedule:

CITY OF INDIANAPOLIS SALARY GRADE SCALE AS OF JANUARY 1, 2003					
Grade	Minimum	1 st Quarter	Midpoint	3 rd Quarter	Maximum
16	\$55,816	\$66,737	\$77,658	\$88,579	\$99,500
15	\$51,473	\$61,768	\$72,063	\$82,358	\$92,652
14	\$47,516	\$57,019	\$66,522	\$76,025	\$85,528
13	\$43,863	\$52,636	\$61,408	\$70,181	\$78,953
12	\$41,990	\$49,338	\$56,686	\$64,035	\$71,383
11	\$38,762	\$45,545	\$52,328	\$59,112	\$65,895
10	\$35,781	\$42,043	\$48,305	\$54,567	\$60,828
9	\$33,030	\$38,811	\$44,591	\$50,372	\$56,152
8	\$31,664	\$36,414	\$41,163	\$45,913	\$50,662
7	\$29,229	\$33,614	\$37,998	\$42,383	\$46,767
6	\$26,982	\$31,030	\$35,077	\$39,124	\$43,171
5	\$24,908	\$28,644	\$32,380	\$36,116	\$39,852
4	\$23,912	\$26,901	\$29,890	\$32,879	\$35,868
3	\$22,074	\$24,833	\$27,592	\$30,352	\$33,111
2	\$20,377	\$22,924	\$25,471	\$28,018	\$30,565
1	\$18,810	\$21,162	\$23,513	\$25,864	\$28,215

and (ii) for all merit police officers in accordance with the applicable labor agreements approved by the Mayor. Such compensation shall not be increased without approval of the Council or as provided in such wage and salary classification ordinance as may from time to time be adopted for employees of the Police Special Service District.

(b) The respective amounts herein specified for personal services are hereby appropriated therefore; provided, however, that no person, official, or employee whose salary or compensation has been approved as part of the "Personal Services" appropriations in this ordinance, or any ordinance hereafter adopted, shall have any vested right to receive such amount, except as may be accrued, or otherwise provided by statute. Control as to any decrease shall be vested in the body or executive having direction over the one affected, as

provided by law. Provided that, certain employees classified as "exempt" for the purposes of the Fair Labor Standards Act shall be salaried employees, and such salaries shall be paid on an annualized basis. Exempt salaried employees shall, however, be required to work a regularly scheduled 40-hour week. Provided further, that the compensation of employees classified as "non-exempt" for the purposes of the Act may fluctuate from pay period to pay period, in accordance with actual hours worked. Non-exempt employees shall also be required to work a regularly scheduled 40-hour week. Wages and hours of uniformed employees shall be determined in accordance with applicable provisions of the Fair Labor Standards Act.

(c) The budgeted full time equivalent positions for each department and division for the calendar year 2003 shall be limited as follows:

Department	Division	Position Type	2003 Proposed
Public Safety	Police	Full Time (Civilian) FTE	291.94
Public Safety	Police	Uniform (sworn) FTE	1,224.50
Public Safety	Police	Part Time FTE	6.42
Public Safety	Police	School Crossing Guard FTE	15.36
Police Total			1,538.22

As used in this section, "full time equivalents" (FTE) are calculated as follows: One FTE is a full-time employee's work year of 2,080 hours. To calculate FTE for part-time or seasonal employees, the total of the hours budgeted is divided by 2,080.

The Indianapolis Police Department is authorized for a total of 304 full time civilians and 1,232 sworn (uniform) officers in 2003. The number of budgeted F.T.E.s, however, is less than the number of authorized positions. For civilians, vacancy and attrition factors result in only 291.94 budgeted full time F.T.E.s. For sworn officers, attrition factors and the timing of recruit classes results in a budgeted number of F.T.E.s below the maximum authorized strength. I.P.D. is planning to conduct Recruit Classes in the Fall of 2002, January of 2003, and again during June of 2003, in order to add enough new Uniformed Officers to meet a Budget Year 2003 target of 1,232 positions filled by the start of the June 2003 class. The 1,224.50 Uniform Officer F.T.E.s shown above, for the 2003 Budget, represents the monthly projected average F.T.E.s for the entire year. The average number of F.T.E.s is calculated to provide a more accurate estimate of salary dollar requirements for the budget.

SECTION 6. To defray the costs of government of the Police Special Service District in accordance with the appropriations stated in sections 1 and 2 of this ordinance, certain anticipated and estimated revenues are allocated as follows:

(a) The Police Service District Fund for 2003 shall consist of all balances as of the end of fiscal 2002 available for transfer into said fund, all miscellaneous revenues of Police General Fund, Law Enforcement Training Fund, Police General-Grants, and Police Training Fund and derived from sources connected with the operation of the Police Force, including traffic fines and intergovernmental reimbursements, Police Training Fund Transfers, Court Docket Fees, portions of the receipts from the County Option Income Tax and PILOTs allocated to this fund, those distributions of taxes allocated by state law on the basis of property taxes levied and assessed as this fund, and all amounts received by the levy of a rate of tax for this fund on all taxable property located in the Police Special Service District by virtue of section 7 of this ordinance.

(b) The Police Pension Fund for 2003 shall consist of all balances at the end of fiscal 2002 available for transfer into said fund, all miscellaneous revenues derived from sources connected with the operation of the Police Pension Fund, amounts allocated herein from the Supplemental Pension Trust, those distributions of taxes allocated by state law on the basis of property taxes levied and assessed as this fund, and all amounts received by the levy of a rate tax for this fund on all taxable property located in the Police Special Service District by virtue of section 7 of this ordinance.

(c) The Federal Law Enforcement Fund for 2003 shall consist of all balances at the end of fiscal 2002 available for transfer into said fund and all miscellaneous revenues derived from sources connected with the operation of the Federal Law Enforcement Fund.

(d) The State Law Enforcement Fund for 2003 shall consist of all balances at the end of fiscal 2002 available for transfer into said fund and all miscellaneous revenues derived from sources connected with the operation of the State Law Enforcement Fund.

SECTION 7. There is hereby levied and assessed or confirmed as may be required by law on all real estate and improvements and all business personal property of whatever description, tangible and intangible, and choses in action of every kind and character in the Police Special Service District of the City of Indianapolis, as assessed and returned for taxation in said District for the year 2002, payable in 2003, a tax rate of forty

and ninety-seven hundredths cents (\$0.4097) for the Police Special Service District Fund on each one hundred dollars (\$100.00) valuation of such special service district taxable property, and five and eighty-six hundredths cents (\$0.0586) for Police Pension Fund on each one hundred dollars (\$100.00) valuation of such special service district taxable property.

SECTION 8. The budget of said special service district shall be carried out with the revenues from taxation provided from the several tax levies fixed in this ordinance, and the miscellaneous receipts of said funds and with the use of portions of current balances, all as indicated on the following tables:

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES POLICE SERVICE DISTRICT FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
SPECIAL TAXES		
County Option Income Tax	15,850,000	30,087,323
Auto Excise	1,371,810	2,939,425
Financial Institutions Tax	401,735	828,424
Commercial Vehicle Excise Tax	202,907	405,653
ALL OTHER REVENUE		
Licenses and Permits	27,260	60,000
Charges for Services	861,725	2,210,500
Intergovernmental	1,986,600	3,710,418
Sale and Lease of Property	76,700	77,700
Fees for Services	171,769	309,000
Fines and Penalties	410,000	1,450,000
Miscellaneous Revenue	15,100	58,900
Intragovernmental	0	0
Transfers from Parking Meter Fund	750,000	1,500,000
Transfers from Consolidated County Fund	0	0
Transfers from Sanitation PILOT Fund	825,000	3,650,000
Transfers from Police General	0	0
TOTAL	22,950,606	47,287,343

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES POLICE PENSION FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
SPECIAL TAXES		
County Option Income Tax	3,625,000	7,250,000
Auto Excise	196,212	420,431
Financial Institutions Taxes	57,461	118,491
Commercial Vehicle Excise Taxes	29,022	58,021
ALL OTHER REVENUE		
Intergovernmental	10,150,396	15,120,000
Miscellaneous	126,500	125,000
Trust and Agency Receipts	96,223	160,000
Intragovernmental	0	0
Transfers from AWT PILOT Fund	0	0
Transfers from Police General	0	0
TOTAL	14,280,814	23,251,943

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES FEDERAL LAW ENFORCEMENT FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 Through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
ALL OTHER REVENUE		
Intergovernmental	100,000	0
Fines and Penalties	472,558	600,000
Interest	5,000	0
TOTAL	577,558	600,000

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES STATE LAW ENFORCEMENT FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 Through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
ALL OTHER REVENUE		
Intergovernmental	0	0
Fines and Penalties	0	100,000
Interest	1,000	0
TOTAL	1,000	100,000

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES POLICE SERVICE DISTRICT FUND		
2003 NET ASSESSED VALUATION 9,263,885,750		
2002 BILLED NET ASSESSED VALUATION 9,040,990,630		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	17,609,939	17,509,494
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	45,836,571	45,836,571
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	45,836,571	45,836,571
6. Remaining property taxes to be collected present year	17,897,979	18,066,981
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	22,950,606	22,950,606
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	40,848,585	41,017,587
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	12,621,953	12,690,510
10. Total budget estimate for January 1 to December 31 of incoming year	92,083,692	90,083,692
11. Miscellaneous revenue for January 1 to December 31 of incoming year	46,348,436	47,287,343
12. Property tax to be raised from January 1 to December 31 of incoming year	38,152,167	37,954,140
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	5,038,864	7,848,301
14. Estimated December 31 cash balance, of incoming year	5,038,864	7,848,301

Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.4097	0.4097
Proposed tax rate for incoming year	0.4097	0.4097

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES		
POLICE PENSION FUND		
2003 NET ASSESSED VALUATION	9,263,885,750	
2002 BILLED NET ASSESSED VALUATION	9,040,990,630	
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	11,624,668	11,465,007
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	16,727,639	16,727,639
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	300,000
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	16,727,639	17,027,639
6. Remaining property taxes to be collected present year	2,559,975	2,584,147
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	14,280,814	14,280,814
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	16,840,789	16,864,961
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	11,737,818	11,302,329
10. Total budget estimate for January 1 to December 31 of incoming year	34,592,150	34,592,150
11. Miscellaneous revenue for January 1 to December 31 of incoming year	23,257,795	23,251,943
12. Property tax to be raised from January 1 to December 31 of incoming year	5,456,961	5,428,637
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	5,860,424	5,390,759
14. Estimated December 31 cash balance, of incoming year	5,860,424	5,390,759
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0586	0.0586
Proposed tax rate for incoming year	0.0586	0.0586

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES		
FEDERAL LAW ENFORCEMENT FUND		
2003 NET ASSESSED VALUATION		
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	948,405	948,405
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	433,684	433,684
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	433,684	433,684
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	577,558	577,558
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	577,558	577,558

9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	1,092,279	1,092,279
10. Total budget estimate for January 1 to December 31 of incoming year	695,000	695,000
11. Miscellaneous revenue for January 1 to December 31 of incoming year	600,000	600,000
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	997,279	997,279
14. Estimated December 31 cash balance, of incoming year	997,279	997,279
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0000	0.0000
Proposed tax rate for incoming year	0.0000	0.0000

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES STATE LAW ENFORCEMENT FUND		
2003 NET ASSESSED VALUATION		
2002 BILLED NET ASSESSED VALUATION		
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	457,838	457,838
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	62,796	62,796
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	62,796	62,796
6. Remaining property taxes to be collected present year	0	0
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	1,000	1,000
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	1,000	1,000
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	396,042	396,042
10. Total budget estimate for January 1 to December 31 of incoming year	130,000	130,000
11. Miscellaneous revenue for January 1 to December 31 of incoming year	100,000	100,000
12. Property tax to be raised from January 1 to December 31 of incoming year	0	0
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	366,042	366,042
14. Estimated December 31 cash balance, of incoming year	366,042	366,042
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0000	0.0000
Proposed tax rate for incoming year	0.0000	0.0000

SECTION 9.

SUMMARIES OF APPROPRIATIONS, MISCELLANEOUS REVENUE, TAX LEVIES, NET ASSESSED VALUE AND TAX RATE					
Fund	Appropriation	Miscellaneous Revenue	Tax Levy	Net Assessed Value	Tax Rate
Police General	90,083,692	47,287,343	37,954,140	9,263,885,750	0.4097
Police Pension	34,592,150	23,251,943	5,428,637	9,263,885,750	0.0586

Federal Law Enforcement	695,000	600,000	0	0	0.0000
State Law Enforcement	130,000	100,000	0	0	0.0000
Total	125,500,842	71,239,286	43,382,777		0.4683

SECTION 10. The Auditor of Marion County be, and is hereby, ordered and directed to place the aforesaid tax levies upon the property tax duplicates; and the County Treasurer of such county, ex-officio city treasurer be, and is hereby, ordered and directed to collect the same for the Police Special Service District of the City of Indianapolis, and make due report thereof as provided by law.

SECTION 11. This ordinance shall be in full force and effect beginning January 1, 2003, after passage by the Police Special Service District Council, approval by the Mayor, and approval by the Tax Boards as required by law.

SPECIAL ORDERS – FINAL ADOPTION – 2003 BUDGET ORDINANCES FIRE SPECIAL SERVICE DISTRICT

President SerVaas convened the Fire Special Service District Council.

PROPOSAL NO. 399, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 399, 2002 on September 4 and 16, 2002. The proposal, sponsored by Councillors Dowden, Boyd, and Moriarty Adams, is the annual budget for the Fire Special Service District for 2003. By a 6-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Dowden said that he again will vote in opposition to this proposal because of the way it is being funded.

Councillor Sanders said that she empathizes with concerns, but there was a proposal on the table a month ago that could have alleviated much of the pain gone through to achieve this budget. She said that she believes public safety officers were really put at risk.

Councillor Smith said that many other plans and proposals were also put on the table that did not involve a tax increase.

Councillor Sanders called for the question. Councillor Massie asked for a point of order as to whether or not Councillors should be given the opportunity to speak and if a vote can be taken to allow for more input. Mr. Elrod said that the motion should be voted on immediately to call for the question or not. He said that the calling for the question is not a motion and is not binding on the chair to end debate. Councillor Massie said that the body has not been doing things in this manner and it would be good to set the standard and follow these procedures in the future.

Councillor Coonrod said that Councillor Sanders referred to the plan offered earlier by the Mayor to tax the two-thirds of people and property outside of the Police Service District, while extending no further service to them, and use all of this money for police service Downtown. While everyone on the Council wants the Downtown police service to be funded, there is less police service available outside of the inner City, where both population and crime are growing. He said that he is pleased that the Mayor withdrew that plan, as the majority of the Council made it clear that they would not support that sort of taxation. This proposal as it stands provides bi-partisan funding for police services all across the County.

Councillor Langsford stated that he will abstain from voting on this proposal to avoid the appearance of a conflict of interest.

Councillor Borst moved, seconded by Councillor Talley, for adoption. Proposal No. 399, 2002, as amended, was adopted on the following roll call vote; viz:

23 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Douglas, Gibson, Gray, Horseman, Knox, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, SerVaas, Short, Soards, Talley, Tilford
5 NAYS: Bradford, Coughenour, Dowden, Schneider, Smith
1 NOT VOTING: Langsford

Proposal No. 399, 2002, as amended, was retitled FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 4, 2002, and reads as follows:

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 4, 2002

A FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE creating the annual budget of the Fire Special Service District of the City of Indianapolis, Indiana, for the fiscal year beginning January 1, 2003, and ending December 31, 2003, appropriating monies for the purpose of defraying the expenses and all outstanding claims and obligations of said Fire District and the Fire Pension Fund, fixing and establishing the annual rate of taxation and tax levy for the year 2003 for each fund for which a special tax levy is authorized, and fixing a time when this ordinance shall take effect.

BE IT ORDAINED BY THE FIRE SPECIAL SERVICE DISTRICT COUNCIL
OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. For the expenses of the Fire Force of the City of Indianapolis for the fiscal year beginning January 1, 2003, and ending December 31, 2003, the sums of money herein set out are hereby appropriated and ordered set apart out of the Fire Service District Fund for the purposes herein specified, subject to the law governing the same:

2003 ANNUAL BUDGET DEPARTMENT OF PUBLIC SAFETY FIRE DIVISION		
	ORIGINAL PUBLISHED BUDGET APPROPRIATION	BUDGET APPROVED BY CITY-COUNTY COUNCIL
DEPARTMENT OF PUBLIC SAFETY Fire Division	FIRE SERVICE DISTRICT FUND	
1. Personal Services	48,305,540	48,305,540
2. Supplies	1,157,484	1,157,484
3. Other Services and Charges	2,402,971	2,402,971
4. Capital Outlay	1,193,656	1,193,656
5. Internal Charges	1,814,692	1,814,692
TOTAL	54,874,343	54,874,343

SECTION 2. For the expenses and obligations of the Fire Pension of the City of Indianapolis, for the fiscal year beginning January 1, 2003, and ending December 31, 2003, the sums of money herein set out are hereby appropriated and ordered set apart out of the Fire Pension Fund for the purposes herein specified, subject to the law governing the same:

	ORIGINAL PUBLISHED BUDGET APPROPRIATION	BUDGET APPROVED BY CITY-COUNTY COUNCIL
DEPARTMENT OF PUBLIC SAFETY	FIRE PENSION FUND	
Fire Division		
1. Personal Services	28,065,000	28,065,000
2. Supplies	6,000	6,000
3. Other Services and Charges	74,230	74,230
4. Capital Outlay	4,500	4,500
5. Internal Charges	3,500	3,500
TOTAL	28,153,230	28,153,230

SECTION 3. (a) The salaries, wages, and compensation of the various officers and employees of the Fire Special Service District for the ensuing year are now fixed and approved as follows: (i) for all classified personnel of the Fire Special Service Districts set forth in the following schedule:

CITY OF INDIANAPOLIS SALARY GRADE SCALE AS OF JANUARY 1, 2003					
Grade	Minimum	1 st Quarter	Midpoint	3 rd Quarter	Maximum
16	\$55,816	\$66,737	\$77,658	\$88,579	\$99,500
15	\$51,473	\$61,768	\$72,063	\$82,358	\$92,652
14	\$47,516	\$57,019	\$66,522	\$76,025	\$85,528
13	\$43,863	\$52,636	\$61,408	\$70,181	\$78,953
12	\$41,990	\$49,338	\$56,686	\$64,035	\$71,383
11	\$38,762	\$45,545	\$52,328	\$59,112	\$65,895
10	\$35,781	\$42,043	\$48,305	\$54,567	\$60,828
9	\$33,030	\$38,811	\$44,591	\$50,372	\$56,152
8	\$31,664	\$36,414	\$41,163	\$45,913	\$50,662
7	\$29,229	\$33,614	\$37,998	\$42,383	\$46,767
6	\$26,982	\$31,030	\$35,077	\$39,124	\$43,171
5	\$24,908	\$28,644	\$32,380	\$36,116	\$39,852
4	\$23,912	\$26,901	\$29,890	\$32,879	\$35,868
3	\$22,074	\$24,833	\$27,592	\$30,352	\$33,111
2	\$20,377	\$22,924	\$25,471	\$28,018	\$30,565
1	\$18,810	\$21,162	\$23,513	\$25,864	\$28,215

and (ii) for all merit firefighters in accordance with the applicable labor agreements approved by the Mayor. Such compensation shall not be increased without approval of the Council or as provided in such wage and salary classification ordinance as may from time to time be adopted for employees of the Fire Special Service District.

(b) The respective amounts herein specified for personal services are hereby appropriated therefore; provided, however, that no person, official, or employee whose salary or compensation has been approved as part of the "Personal Services" appropriations in this ordinance, or any ordinance hereafter adopted, shall have any vested right to receive such amount, except as may be accrued, or otherwise provided by statute. Control as to any decrease shall be vested in the body or executive having direction over the one affected, as provided by law. Provided that, certain employees classified as "exempt" for the purposes of the Fair Labor Standards Act shall be salaried employees, and such salaries shall be paid on an annualized basis. Exempt salaried employees shall, however, be required to work a regularly scheduled 40-hour week. Provided further, that the compensation of employees classified as "non-exempt" for the purposes of the Act may fluctuate from pay period to pay period, in accordance with actual hours worked. Non-exempt employees shall also be required to work a regularly scheduled 40-hour week. Wages and hours of uniformed employees shall be determined in accordance with applicable provisions of the Fair Labor Standards Act.

(c) The maximum number of authorized employees for each department and division for the calendar year 2003 shall be limited as follows:

Department	Division	Position Type	2003 Proposed
Public Safety	Fire	Full Time (Civilian) FTE	68.00
Public Safety	Fire	Uniform (sworn) FTE	751.00
Fire Total			819.00

As used in this section, "full time equivalents" (FTE) are calculated as follows: One FTE is a full-time employee's work year of 2,080 hours. To calculate FTE for part-time or seasonal employees, the total of the hours budgeted is divided by 2,080.

SECTION 4. To defray the costs of government of the Fire Special Service District in accordance with the appropriations stated in sections 1 and 2 of this ordinance, certain anticipated revenues are allocated as follows:

(a) The Fire Service District Fund for 2003 shall consist of all balances at the end of fiscal 2002 available for transfer into said fund, all miscellaneous revenues derived from sources connected with the operation of the Fire Force, portions of the receipts from the County Option Income Tax allocated to this fund, the allocation of PILOTs to this fund, those distributions of taxes allocated by state law on the basis of property taxes levied and assessed as this fund, and all amounts received from the levy of a rate of tax for this fund on all taxable property located in the Fire Special Service District by virtue of section 5 of this ordinance.

(b) The Fire Pension Fund for 2003 shall consist of all balances at the end of fiscal 2002 available for transfer into said fund, all miscellaneous revenues derived from sources connected with the operation of the Fire Pension Fund, amounts allocated herein from the Supplemental Pension Trust, portions of the receipts from the County Option Income Tax allocated to this fund, the allocation of PILOT to this fund, those distributions of taxes allocated by state law on the basis of property taxes levied and assessed as this fund, all amounts received from the levy of a rate of tax for this fund on all taxable property located in the Fire Special Service District by virtue of section 5 of this ordinance.

SECTION 5. There is hereby levied and assessed or confirmed as may be required by law on all real estate and improvements and all business personal property of whatever description, tangible and intangible, and choses in action of every kind and character in the Fire Special Service District of the City of Indianapolis, as assessed for and returned for taxation in said District for the year 2002, payable in 2003, a tax rate of thirty six and fifty-four hundredths cents (\$0.3654) for the Fire Special Service District Fund of each one hundred dollars (\$100.00) valuation of such special service taxable property; and five and eighty-six hundredths cents (\$0.0586) for the Fire Pension Fund of each one hundred dollars (\$100.00) valuation of such special service district taxable property.

SECTION 6. The budget of said special service district shall be carried out with the revenues from taxation provided from the several tax levies fixed in this ordinance, and the miscellaneous receipts of said funds and with the use of portions of current balances, all as indicated on the following tables:

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES FIRE SERVICE DISTRICT FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
SPECIAL TAXES		
County Option Income Tax	7,545,000	11,815,949
Auto Excise	1,233,869	2,473,621
Financial Institution Tax	413,781	849,679
Commercial Vehicle Excise Taxes	141,351	282,589
ALL OTHER REVENUE		
Charges for Services	314,827	656,100
Intergovernmental	180,000	360,000
Sale and Lease of Property	75,000	0
Fees for Services	0	150
Miscellaneous	25,000	10,400
Transfer from Sanitation AWT PILOT	1,675,000	5,350,000
TOTAL	11,603,828	21,798,488

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES FIRE PENSION FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
SPECIAL TAXES		
County Option Income Tax	3,100,000	6,200,000
Auto Excise	197,878	396,700
Financial Institutions Tax	66,359	136,264
Commercial Vehicle Excise Tax	22,668	45,319
ALL OTHER REVENUE		
Intergovernmental	5,263,093	11,290,000
Miscellaneous	102,000	50,000
Trust and Agency	90,000	175,000
Transfer from Sanitation AWT PILOT	0	0
TOTAL	8,841,998	18,293,283

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES FIRE SERVICE DISTRICT FUND		
2003 NET ASSESSED VALUATION	8,822,015,094	
2002 BILLED NET ASSESSED VALUATION	8,008,365,217	
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	10,680,780	10,627,428
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	29,948,891	29,948,891
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	29,948,891	29,948,891
6. Remaining property taxes to be collected present year	14,206,446	14,203,325
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	11,603,828	11,603,828
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	25,810,274	25,807,153
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	6,542,163	6,485,690
10. Total budget estimate for January 1 to December 31 of incoming year	54,874,343	54,874,343
11. Miscellaneous revenue for January 1 to December 31 of incoming year	24,540,289	21,798,488
12. Property tax to be raised from January 1 to December 31 of incoming year	29,847,818	32,235,643
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	6,055,927	5,645,478
14. Estimated December 31 cash balance, of incoming year	6,055,927	5,645,478
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.3654	0.3654
Proposed tax rate for incoming year	0.3654	0.3654

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES FIRE PENSION FUND		
2003 NET ASSESSED VALUATION	8,822,015,094	
2002 BILLED NET ASSESSED VALUATION	8,008,365,217	
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	14,074,487	13,910,979
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	15,803,655	15,803,655
3. Additional appropriations necessary to be made July 1 to December 31 of present year	0	0
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	15,803,655	15,803,655
6. Remaining property taxes to be collected present year	2,278,319	2,277,818
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	8,841,998	8,841,998
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	11,120,317	11,119,816
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	9,391,149	9,227,140
10. Total budget estimate for January 1 to December 31 of incoming year	28,153,230	28,153,230
11. Miscellaneous revenue for January 1 to December 31 of incoming year	18,293,283	18,293,283
12. Property tax to be raised from January 1 to December 31 of incoming year	4,786,760	5,169,701
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	4,317,962	4,536,895
14. Estimated December 31 cash balance, of incoming year	4,317,962	4,536,895
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0586	0.0586
Proposed tax rate for incoming year	0.0586	0.0586

SECTION 7.

SUMMARIES OF APPROPRIATIONS, MISCELLANEOUS REVENUE, TAX LEVIES, NET ASSESSED VALUE AND TAX RATE					
Fund	Appropriation	Miscellaneous Revenue	Tax Levy	Net Assessed Value	Tax Rate
Fire General	54,874,343	21,798,488	32,615,400	8,822,015,094	0.3654
Fire Pension	28,153,230	18,293,283	5,169,701	8,822,015,094	0.0586
Total	83,027,573	40,091,772	37,405,344		0.4240

SECTION 8. The Auditor of Marion County be, and is hereby, ordered and directed to place the aforesaid tax levies upon the property tax duplicates; and the County Treasurer of such county, ex-officio city treasurer be, and is hereby, ordered and directed to collect the same for the Fire Special Service District of the City of Indianapolis, and make due report thereof as provided by law.

SECTION 9. This ordinance shall be in full force and effect beginning January 1, 2003, after passage by the Fire Special Service District Council, approval by the Mayor, and approval by the Tax Boards as required by law.

**SPECIAL ORDERS – FINAL ADOPTION – 2003 BUDGET ORDINANCES
SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT**

President SerVaas convened the Solid Waste Collection Special Service District Council.

PROPOSAL NO. 400, 2002. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 400, 2002 on September 4 and 16, 2002. The proposal, sponsored by Councillors Coughenour, Boyd, and Moriarty Adams, is the annual budget for the Solid Waste Collection Special Service District for 2003. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Borst moved to amend Proposal No. 400, 2002 to increase the assessed valuations and levy another \$1,157,307. Councillor Talley seconded the motion, and Proposal No. 400, 2002 was amended by a unanimous voice vote.

Councillor Borst moved, seconded by Councillor Talley, for adoption. Proposal No. 400, 2002, as amended, was adopted on the following roll call vote; viz:

20 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Coughenour, Douglas, Gray, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, SerVaas, Short, Soards, Talley, Tilford

9 NAYS: Bradford, Conley, Coonrod, Dowden, Gibson, Horseman, Sanders, Schneider, Smith

Proposal No. 400, 2002, as amended, was retitled SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 2002, and reads as follows:

SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 2002

A SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE creating the annual budget for the Solid Waste Collection Special Service District of the City of Indianapolis, Indiana, for the fiscal year beginning January 1, 2003 and ending December 31, 2003, appropriating monies for the purpose of defraying the expenses and all outstanding claims and obligations of said Solid Waste Collection Special Service District, fixing and establishing the annual rate of taxation and tax levy for the year 2003 for each fund for which a special tax levy is authorized, and fixing a time when this ordinance shall take effect.

BE IT ORDAINED BY THE SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. For the expenses of the Solid Waste Collection Special Service District of the City of Indianapolis for the fiscal year beginning January 1, 2003 and ending December 31, 2003, the sums of money herein set out are hereby appropriated and ordered set apart out of the Solid Waste Collection Service District Fund for the purposes herein specified, subject to the law governing the same:

2003 ANNUAL BUDGET DEPARTMENT OF PUBLIC WORKS		
	ORIGINAL PUBLISHED BUDGET APPROPRIATION	BUDGET APPROVED BY CITY-COUNTY COUNCIL
DEPARTMENT OF PUBLIC WORKS Operations Division	SOLID WASTE COLLECTION SERVICE DISTRICT FUND	
1. Personal Services	5,306,147	5,306,147
2. Supplies	136,600	136,600
3. Other Services and Charges	13,564,405	13,564,405
4. Capital Outlay	1,836,965	1,836,965
5. Internal Charges	7,159,929	7,159,929
TOTAL	28,004,046	28,004,046

DEPARTMENT OF PUBLIC WORKS Policy and Planning	SOLID WASTE COLLECTION SERVICE DISTRICT FUND	
1. Personal Services	85,905	85,905
2. Supplies	3,700	3,700
3. Other Services and Charges	408,800	408,800
4. Capital Outlay	17,200	17,200
5. Internal Charges	0	0
TOTAL	515,605	515,605

DEPARTMENT OF METROPOLITAN DEVELOPMENT, Division of Community Development	SOLID WASTE COLLECTION SERVICE DISTRICT FUND	
1. Personal Services	0	0
2. Supplies	0	0
3. Other Services and Charges	500,000	500,000
4. Capital Outlay	0	0
5. Internal Charges	0	0
TOTAL	500,000	500,000

DEPARTMENT OF PARKS AND RECREATION	SOLID WASTE COLLECTION SERVICE DISTRICT FUND	
1. Personal Services	0	0
2. Supplies	0	0
3. Other Services and Charges	185,000	185,000
4. Capital Outlay	0	0
5. Internal Charges	330,400	330,400
TOTAL	515,400	515,400

SECTION 2. The salaries, wages and compensation of the various officers and employees of the Solid Waste Collection Special Service District for the ensuing year are hereby fixed and approved as follows: (i) for all classified personnel of the Solid Waste Collection Special Service District by the Solid Waste Collection Special Service District Council set forth in the following schedule:

CITY OF INDIANAPOLIS SALARY GRADE SCALE AS OF JANUARY 1, 2003					
Grade	Minimum	1 st Quarter	Midpoint	3 rd Quarter	Maximum
16	\$55,816	\$66,737	\$77,658	\$88,579	\$99,500
15	\$51,473	\$61,768	\$72,063	\$82,358	\$92,652
14	\$47,516	\$57,019	\$66,522	\$76,025	\$85,528
13	\$43,863	\$52,636	\$61,408	\$70,181	\$78,953
12	\$41,990	\$49,338	\$56,686	\$64,035	\$71,383
11	\$38,762	\$45,545	\$52,328	\$59,112	\$65,895
10	\$35,781	\$42,043	\$48,305	\$54,567	\$60,828
9	\$33,030	\$38,811	\$44,591	\$50,372	\$56,152
8	\$31,664	\$36,414	\$41,163	\$45,913	\$50,662
7	\$29,229	\$33,614	\$37,998	\$42,383	\$46,767
6	\$26,982	\$31,030	\$35,077	\$39,124	\$43,171
5	\$24,908	\$28,644	\$32,380	\$36,116	\$39,852
4	\$23,912	\$26,901	\$29,890	\$32,879	\$35,868
3	\$22,074	\$24,833	\$27,592	\$30,352	\$33,111
2	\$20,377	\$22,924	\$25,471	\$28,018	\$30,565
1	\$18,810	\$21,162	\$23,513	\$25,864	\$28,215

and (ii) for hourly employees on a bargaining unit shall be paid in accordance with the terms of the Master Agreement as approved by the Mayor. Such compensation shall not be increased without approval of the Council or as provided in such wage and salary classification ordinance as may from time to time be adopted for employees of the Solid Waste Collection Special Service District, and the respective amounts herein specified for personal services are hereby appropriated therefor. Provided, however, that no person, official or employee whose salary or compensation has been approved as part of the "Personal Services" appropriations in this ordinance or any ordinance hereafter adopted shall have any vested right to receive such amount, or any minimum amount, except as may be accrued, or otherwise provided by statute. Control as to any decrease shall be vested in the body or executive having direction over the one affected, as provided by law. Provided that, certain employees classified as "exempt" for the purposes of the Fair Labor Standards Act shall be salaried employees, and such salaries shall be paid on an annualized basis. Exempt salaried employees shall, however, be required to work a regularly scheduled 40-hour week. Provided further, that the compensation of employees classified as "non-exempt" for the purposes of the Act may fluctuate from pay period to pay period, in accordance with actual hours worked. Non-exempt employees shall also be required to work a regularly scheduled 40-hour week.

SECTION 3. To defray the costs of government of the Solid Waste Collection Special Service District in accordance with the appropriations stated in Section 1 of this ordinance, certain anticipated and estimated

revenues are allocated as follows: The Solid Waste Collection Service District Fund for 2003 shall consist of all balances at the end of fiscal 2002 available for transfer into said fund, all miscellaneous revenues derived from sources connected with the operation of the Solid Waste Collection Special Service District, including federal grants and intergovernmental reimbursements, user charges, those distributions of taxes allocated by state law on the basis of property taxes levied and assessed as this fund, and all amounts received by the levy of a rate of tax for this fund on all taxable property located in the Solid Waste Collection Special Service District by virtue of Section 4 of this ordinance.

SECTION 4. There is hereby levied and assessed or confirmed as may be required by law on all real estate and improvements and all business personal property of whatever description, tangible and intangible, and choses in action of every kind and character in the Solid Waste Collection Special Service District of the City of Indianapolis, as assessed and returned for taxation in said District for the year 2002, payable in 2003, a tax rate of eight and fifty-two hundredths cents (\$0.0852) on the Solid Waste Collection Service District Fund on each one hundred dollars (\$100.00) valuation of such special service district taxable property.

SECTION 5. The budget of the Solid Waste Collection Special Service District shall be carried out with the revenues from taxation provided from the tax levy fixed in this ordinance, and the miscellaneous receipts of said funds and with the use of portions or current balances, all indicated on the following tables:

CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY ESTIMATE OF MISCELLANEOUS REVENUE FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES SOLID WASTE COLLECTION SERVICE DISTRICT FUND FOR THE PERIOD ENDING DECEMBER 31, 2002 AND DECEMBER 31, 2003		
ESTIMATED AMOUNTS TO BE RECEIVED	July 01, 2002 through Dec. 31, 2002	Jan. 01, 2003 through Dec. 31, 2003
SPECIAL TAXES		
Auto Excise	946,395	2,071,289
Financial Institutions Tax	114,773	237,398
Commercial Vehicle Excise Tax	102,774	207,480
ALL OTHER REVENUE		
Charges for Services	49,388	108,500
Intergovernmental	48,000	100,000
Sale and Lease	0	0
Fines and Penalties	105,000	210,000
Miscellaneous	235,287	300,000
Transfers to Solid Waste Disposal	0	(1,000,000)
TOTAL	1,601,617	2,234,667

ESTIMATE OF FUNDS TO BE RAISED AND PROPOSED TAX RATES SOLID WASTE COLLECTION SERVICE DISTRICT FUND		
2003 NET ASSESSED VALUATION	28,525,180,751	
2002 BILLED NET ASSESSED VALUATION	26,375,572,368	
	PUBLISHED BUDGET	CITY-COUNTY COUNCIL
FUNDS REQUIRED FOR REMAINDER OF FISCAL YEAR 2002		
1. June 30 actual cash balance of present year	17,314,153	17,151,802
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	18,566,507	18,566,507
3. Additional appropriations necessary to be made July 1 to December 31 of present year	250,000	250,000
4. Outstanding temporary loans to be paid and not included in lines 2 or 3	0	0
5. Total expenditures for current year (add lines 2-4)	18,816,507	18,816,507
6. Remaining property taxes to be collected present year	10,923,733	10,980,087
7. Miscellaneous revenue to be received July 1 through Dec. 31 of present year	1,601,617	1,601,617
8. Estimated revenue to be received July 1 to December 31 (add lines 6-7)	12,525,350	12,581,704
9. Estimated December 31 cash balance, present year (add lines 1, 8 and subtract line 5)	11,022,995	10,916,998
10. Total budget estimate for January 1 to December 31 of incoming year	29,535,051	29,535,051

11. Miscellaneous revenue for January 1 to December 31 of incoming year	2,234,667	2,234,667
12. Property tax to be raised from January 1 to December 31 of incoming year	23,146,147	24,303,454
13. Operating balance (not in excess of expenses January 1 to June 30, miscellaneous revenue for same period)	6,868,758	7,920,068
14. Estimated December 31 cash balance, of incoming year	6,868,758	7,920,068
Net tax rate on each one hundred dollars of taxable property		
Current year tax rate	0.0852	0.0852
Proposed tax rate for incoming year	0.0852	0.0852

FUND	TAX RATE	TAX LEVY
Solid Waste Collection Service District	0.0852	24,303,454

SECTION 6. The Auditor of Marion County, Indiana, be, and is hereby, ordered and directed to place the aforesaid levies upon the property tax duplicates; and the County Treasurer of such county, ex-officio city treasurer be, and is hereby, ordered and directed to collect the same for the Solid Waste Collection Special Service District of the City of Indianapolis, and make due report thereof as provided by law.

SECTION 7. This ordinance shall be in full force and effect beginning January 1, 2003, after passage by the Solid Waste Collection Special Service District Council, approval by the Mayor, and approval by the Tax Boards as required by law.

Councillor Borst thanked all those involved in working together to create a bi-partisan budget that the majority can live with and which provides the services needed for the citizens of Indianapolis and Marion County. He specifically thanked Mayor Bart Peterson, City Controller Kathy Davis, County Auditor Marty Womacks, President Beurt SerVaas, Minority Leader Rozelle Boyd, Council Financial Consultant James Steele, and Council staff.

Councillor Borst made the following motion:

Mr. President:

Because of the complexity and inter-related calculations of the budget proposals and amendments just adopted, I move that the General Counsel is authorized with the concurrence of the appropriate financial officer, the City Controller or County Auditor, to correct any technical or computational errors in the budget ordinances and resolutions as necessary to accurately reflect the actions of this Council.

Councillor Boyd seconded the motion, and the motion carried by a unanimous voice vote.

Councillor Boyd said that the Council has just completed an extraordinary feat, considering where the discussions were a few weeks ago. He said that although there was some political posturing, he believes they have avoided that this evening because the Committee process has worked well. He said that he is still not happy that the police taxing district was not considered and he hopes it will be in the future. He added that the problem of the Department of Corrections bills has still not been solved, but simply pushed into the future. He said that he is not happy with the change in the County Option Income Tax (COIT) distribution. However, there are other areas where others are not satisfied, and in spite of some remaining frustrations, he is glad they could come together and provide a budget. He said that the arrangements voted on this evening will serve the City through 2004, and more work needs to be done in addressing some of the Criminal Justice issues and tax disparities. However, he commends the Council for working together to reach a compromise.

SPECIAL ORDERS - FINAL ADOPTION

President SerVaas reconvened the City-County Council.

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 418 and 419, 2002 on August 28, 2002. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 418, 2002. The proposal, sponsored by Councillor Langsford, approves a transfer of \$37,000 in the 2002 Budget of the County Coroner (County General Fund) to cover cabling for building and other building maintenance expenses and to purchase a dog kennel for cadaver dogs. PROPOSAL NO. 419, 2002. The proposal, sponsored by Councillor Dowden, approves a transfer of \$13,199 in the 2002 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to support the continuation of the Arrestee Drug Abuse Monitoring Program. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Dowden moved, seconded by Councillor Talley, for adoption. Proposal Nos. 418 and 419, 2002 were adopted on the following roll call vote; viz:

26 YEAS: Bainbridge, Black, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Soards, Talley, Tilford

0 NAYS:

3 NOT VOTING: Borst, Short, Smith

Proposal No. 418, 2002 was retitled FISCAL ORDINANCE NO. 103, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 103, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 96, 2001) transferring and appropriating an additional Thirty-seven Thousand Dollars (\$37,000) in the County General Fund for purposes of the County Coroner and reducing certain other appropriations from that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(d) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Coroner to cover the cabling for building and other building maintenance and to purchase a dog kennel for cadaver dogs.

SECTION 2. The sum of Thirty-seven Thousand Dollars (\$37,000) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>COUNTY CORONER</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	34,000
4. Capital Outlay	<u>3,000</u>
TOTAL INCREASE	37,000

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>COUNTY CORONER</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	<u>37,000</u>
TOTAL DECREASE	37,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 419, 2002 was retitled FISCAL ORDINANCE NO. 104, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 104, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) transferring and appropriating an additional Thirteen Thousand One Hundred Ninety-nine Dollars (\$13,199) in the State and Federal Grants Fund for purposes of the Marion County Justice Agency and reducing certain other appropriations for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency to continue the Arrestee Drug Abuse Monitoring Program (ADAM).

SECTION 2. The sum of Thirteen Thousand One Hundred Ninety-nine Dollars (\$13,199) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	13,199
TOTAL INCREASE	13,199

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Service	13,199
TOTAL DECREASE	13,199

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

NEW BUSINESS

Councillor Talley recognized Lawrence Township Trustee candidate Ryan Cruse. Councillor Dowden recognized Lawrence Township Assessor Paul Ricketts.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Horseman in memory of Michael Weisbard; and
- (2) Councillor Soards in memory of James Murphy; and
- (3) Councillor Sanders in memory of Buford Holt and Michael W. Carver; and
- (4) Councillor Short in memory of Howard Campbell.

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Michael Weisbard, James Murphy,

Buford Holt, Michael W. Carver, and Howard Campbell. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:13 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 16th day of September, 2002.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.



President

ATTEST:



Clerk of the Council

(SEAL)

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, OCTOBER 7, 2002**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:10 p.m. on Monday, October 7, 2002, with President SerVaas presiding.

Councillor Soards introduced Reverend Carolyn Scanlin, St. Luke's Methodist Church, who led the opening prayer. Councillor Soards then invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

President SerVaas instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

29 PRESENT: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford

A quorum of twenty-nine members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Langsford recognized a delegation of Belgian Firefighters visiting the City this week. Councillor Cockrum thanked Indianapolis Firefighters Union, Local 416, for hosting a dinner this evening for Council members. Councillor Massie recognized Dr. Cory SerVaas, President SerVaas's wife. Councillor Conley recognized friends and constituents John Wittick and Gary Mann. Councillor Knox introduced his wife of 50 years, Jackie, and members of his family in attendance. Councillor Gray invited Council members and the public to attend a ceremony to honor fallen firefighters this Wednesday at the Firefighters Union Hall at Massachusetts Avenue and College Avenue. Councillor Gibson recognized friend and employee of the Indianapolis Housing Agency, Rob Jackson. Councillor Massie recognized Sheriff Jack Cottey.

OFFICIAL COMMUNICATIONS
Gerald Bepko, Chancellor of IUPUI

Gerald Bepko, Chancellor of Indiana University-Purdue University of Indianapolis (IUPUI), made a brief presentation regarding the current status of IUPUI's course offerings and enrollment. He stated that after retiring as chancellor in June of next year, he plans to stay in Indianapolis and teach at IUPUI's law school, as well as volunteer in the community. Michael O'Connor, Chief Deputy Mayor, said without great institutions of learning it is hard to have a great City. He added that Chancellor Bepko has done great things during his tenure and he will be greatly missed. Councillor Soards said that he intends to apply to the school's Masters Program shortly. Councillor Conley said that he hopes the school can repeat their recent successes in basketball.

Correspondence to the Clerk

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, October 7, 2002, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Beurt SerVaas
President, City-County Council

September 17, 2002

TO PRESIDENT SERVAAS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, September 20, 2002, a copy of a Notice of Public Hearing on Proposal Nos. 438, 442, 444-451, and 453-455, 2002, said hearing to be held on Monday, October 7, 2002, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Suellen Hart
Clerk of the City-County Council

September 27, 2002

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Suellen Hart, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 92, 2002 - the annual budget for the Metropolitan Emergency Communications Agency for 2003

FISCAL ORDINANCE NO. 93, 2002 - appropriates the amounts necessary for payments for city sinking funds for the calendar year 2003

FISCAL ORDINANCE NO. 94, 2002 - appropriates the amounts necessary for payments from the Revenue Bonds Debt Service Funds for 2003

October 7, 2002

FISCAL ORDINANCE NO. 95, 2002 - the annual budget for the Marion County Office of Family and Children for 2003

FISCAL ORDINANCE NO. 96, 2002 - the annual budget for 2003 for certain constitutional officers of Marion County and appropriates the amounts set forth herein for the purposes specified

FISCAL ORDINANCE NO. 97, 2002 - the annual budget for 2003 for certain Marion County judicial and law enforcement agencies and appropriates the amounts set forth herein for the purposes specified

FISCAL ORDINANCE NO. 98, 2002 - the annual budget for 2003 for certain county agencies and appropriates the amounts set forth herein for the purposes specified

FISCAL ORDINANCE NO. 99, 2002 - the annual budget for 2003 for the Consolidated City and appropriates the amounts set forth herein for the purposes specified

FISCAL ORDINANCE NO. 100, 2002 - allocates certain miscellaneous revenues of the Consolidated City and Marion County to respective funds

FISCAL ORDINANCE NO. 101, 2002 - determines the tax levy for 2003 for each fund of the Consolidated City and Marion County

FISCAL ORDINANCE NO. 102, 2002 - authorizes the payment of certain dues for the city and county offices and agencies

FISCAL ORDINANCE NO. 104, 2002 - approves a transfer of \$13,199 in the 2002 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to support the continuation of the Arrestee Drug Abuse Monitoring Program

SPECIAL RESOLUTION NO. 59, 2002 - recognizes Fiesta Indianapolis, Inc's., "Fiesta 2002"

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 3, 2002 - the annual budget for the Police Special Service District for 2003

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 4, 2002 - the annual budget for the Fire Special Service District for 2003

SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 2002 - the annual budget for the Solid Waste Collection Special Service District for 2003

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

President SerVaas proposed the adoption of the agenda as distributed.

Councillor Soards said that he wanted to present a Special Resolution that did not get drafted in time to meet the deadline for introduction. He asked if he could go ahead and present it anyway in handwritten form at the end of the other resolutions. Consent was given.

Councillor Coughenour moved, seconded by Councillor Moriarty Adams, to suspend the rules and vote on Proposal No. 458, 2002 this evening. Councillor Coughenour said that her last meeting was cancelled and this is a time-sensitive issue that needs to be voted on this evening. The rules were suspended by a unanimous voice vote. President SerVaas said that Proposal No. 458, 2002 will be heard this evening under "New Business."

Councillor Smith asked for consent to allow public hearing on Proposal No. 441, 2002 this evening. He said that the advertising for public hearing was not sufficient at the time of the Committee hearing, and testimony should be allowed. Consent was given.

Without further objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of September 16, 2002. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 508, 2002. The proposal, sponsored by Councillors Borst, Langsford, Tilford, Coughenour, and Massie, concerns the September 20, 2002, tornadoes that hit sections of Indianapolis. Councillor Borst read the proposal and presented volunteers who had helped in relief efforts with copies of the document and Council pins. Councillor Coughenour thanked all the volunteers who helped in the aftermath of the storms and thanked WIBC Radio for charting the path accurately and alerting the public in time for them to seek shelter, and thereby ultimately saving her life. Councillor Massie recognized police and fire personnel who were on the scene almost immediately and Public Works street crews who did such an excellent job clearing debris. Councillor Langsford thanked the volunteers who came out to help Warren Township and recognized the Amish Army who came from Rushville, Indiana to help out. Councillor Tilford thanked CVS Pharmacy for opening their warehouse doors for clean-up supplies and other supplies for families in need. Councillor Talley thanked the Mayor and his staff, Congresswoman Julia Carson's staff, and Lawrence and Warren Township Administrators. President SerVaas said that it took a lot of volunteers and a lot of time and energy, and this tragedy has shown how people can work together. Councillor Borst moved, seconded by Councillor Coughenour, for adoption. Proposal No. 508, 2002 was adopted by a unanimous voice vote.

Proposal No. 508, 2002 was retitled SPECIAL RESOLUTION NO. 60, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 60, 2002

A SPECIAL RESOLUTION concerning the September 20, 2002 tornadoes that hit sections of Indianapolis.

WHEREAS, on Friday afternoon, September 20th, a trio of tornadoes ripped through parts of south, east and northeast Indianapolis causing millions of dollars of damage, but miraculously no fatalities; and

WHEREAS, The National Weather Service accurately tracked the tornadoes coming from the southwest and issued advance warnings, whereupon sirens went off and schools, YMCA's and other building officials moved people to the preplanned safest areas, and residents had a few minutes to prepare themselves; and

WHEREAS, after the devastating 200-mph winds, a number of assistance groups rushed to the scenes and went to work, including the city, county and township police and fire departments, and following on the heels of these public safety agencies were crews from IPL, Citizens Gas and SBC Ameritech, the Salvation Army and the Red Cross; and

WHEREAS, throughout the afternoon and evening hospitals stood ready with their disaster plans, numerous businesses stayed open late and assisted their affected workers, local TV stations and a radio station dispatched reporters to keep the public informed, the Sheriff's Reserves spent hundreds of volunteer hours at their assigned posts, and city workers from DPW and the private contract trash companies, the Mayor's Action Center, DMD's building inspectors and permit officials, and IndyGo, along with many others all helped; and

WHEREAS, overnight, some banks arranged for emergency reduced rate assistance loans, at least two insurance companies set up special processing offices, the affected township assessors expedited revised property tax valuation forms, some nearby churches and PTA's set up emergency free food and clothing

centers, countless friends, neighbors and even strangers responded to those who suffered losses; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes and thanks all of those who responded to the tornado emergency of September 20, 2002.

SECTION 2. A lot of people did a great job in quick fashion to help prevent tragedy and to assist in restoring people's lives back to as normal as possible after the storm, for which Indianapolis is deeply grateful.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 509, 2002. The proposal, sponsored by Councillors Douglas and Gray, commends Washington Township Schools Superintendent Dr. Eugene G. White for his bold initiative to improve student achievement at North Central High School. Councillor Douglas stated that Dr. White could not be here this evening, and he moved, seconded by Councillor Gray, to postpone Proposal No. 509, 2002 until October 28, 2002. Proposal No. 509, 2002 was postponed by a unanimous voice vote.

PROPOSAL NO. 510, 2002. The proposal, sponsored by Councillor Moriarty Adams, recognizes the 100th Anniversary of Tuxedo Park Baptist Church. Councillor Moriarty Adams read the proposal and presented representatives with copies of the document and Council pins. Reverend Bob Welling thanked the Council for the recognition. President SerVaas commended the church for their commitment to keeping their Boy Scout Troop alive. Rev. Welling said that the troop was established in 1909 and was the first troop in the State of Indiana, and is the sixth oldest continuous troop in the country. Councillor Moriarty Adams moved, seconded by Councillor Bainbridge, for adoption. Proposal No. 510, 2002 was adopted by a unanimous voice vote.

Proposal No. 510, 2002 was retitled SPECIAL RESOLUTION NO. 62, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 62, 2002

A SPECIAL RESOLUTION recognizing the 100th Anniversary of Tuxedo Park Baptist Church.

WHEREAS, at the turn of the last Century, houses were being built on the outer east side of Indianapolis, and Woodruff Place Baptist Church advanced \$150 for a mission startup congregation at 29 North Grant Street; and

WHEREAS, during the 20th Century this Tuxedo Park Baptist Church returned the favor by helping seed three more new Churches further east, they being Emerson Avenue Baptist Church, Franklin Road Baptist Church, and Arlington Heights Baptist Church; and

WHEREAS, now celebrating its 100th Anniversary Year, Tuxedo Park Baptist has much to be proud, being host to Boy Scout Troop #1 the sixth oldest continuous Scout Troop in the United States, and it is the host site for Grace Tuxedo Park Neighborhood Organization which tackles neighborhood concerns; and

WHEREAS, during its first 100 years, Tuxedo Park Baptist has only had eight pastors, and Reverend Bob Welling has been serving the congregation since 1996; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council congratulates and thanks Tuxedo Park Baptist Church for ministering to the spiritual, temporal, and social needs of its members, friends, and neighborhood since the time when Teddy Roosevelt was President, the American flag had 45 stars, and the Wright Brothers were still in the bicycle shop business.

SECTION 2. During its first 100 years Tuxedo Park Baptist has successfully met many challenges and opportunities, and this proud and vital congregation will continue carrying on God's work in the 21st Century with an energy and vigor that would make the Church pioneers proud.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 511, 2002. The proposal, sponsored by Councillor Talley, recognizes NaKitta Parks-Turner. Councillor Talley read the proposal and presented Ms. Turner with a copy of the document and a Council pin. Ms. Turner thanked the Council for the recognition. Councillor Talley moved, seconded by Councillor Gibson, for adoption. Proposal No. 511, 2002 was adopted by a unanimous voice vote.

Proposal No. 511, 2002 was retitled SPECIAL RESOLUTION NO. 63, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 63, 2002

A SPECIAL RESOLUTION recognizing NaKitta Parks-Turner.

WHEREAS, Ms. Barbara NaKitta Parks-Turner graduated from Broad Ripple High School and is attending classes at Ivy Tech State College; and

WHEREAS, throughout high school Ms. Parks-Turner participated in the cheerleading squad, band, orchestra and Model Search in Chicago; and

WHEREAS, Ms. Parks-Turner is a member of Greater St. Marks Missionary Baptist Church where she serves on the Youth Usher Board, Girls Auxiliary, Girls Task Force, and sings in the Choir; and

WHEREAS, Ms. Parks-Turner is continuing to make her parents Bobby and Timothene Parks proud as she lives her dream of shaping young minds as head teacher at Bright Horizons School; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the dedicated and motivated Ivy Tech College student Barbara NaKitta Parks-Turner and her willingness to help others.

SECTION 2. The younger years are never an easy time in a person's life, but Ms. Parks-Turner seems to demonstrate extraordinary maturity and good judgment at school, in church, and is using this developing stage of her life to build a solid foundation for the future, and the Council wishes her the best of success.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 512, 2002. The proposal, sponsored by Councillors Gray and Brents, recognizes the Indianapolis Soap Box Derby Association and the Indianapolis Inner City Youth Racing League. Councillor Gray read the proposal and presented representatives with copies of the document and Council pins. Ford Wilson, organizer of the event, recognized winners and

others involved and thanked the Council for the recognition. Reverend Ogden Williams and youth leader Rob Jackson, members of the organization committee, thanked the Council for the honor. Councillor Brents invited Councillors to come out and watch a race. Councillor Gray moved, seconded by Councillor Brents, for adoption. Proposal No. 512, 2002 was adopted by a unanimous voice vote.

Proposal No. 512, 2002 was retitled SPECIAL RESOLUTION NO. 64, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 64, 2002

A SPECIAL RESOLUTION concerning the Indianapolis Soap Box Derby Association and the Indianapolis Inner City Youth Racing League.

WHEREAS, the Akron, Ohio, based Soap Box Derby is a youth non-motorized racing program that teaches young people basic workmanship skills, the spirit of competition, and the commitment to continue a project once it has begun; and

WHEREAS, the Indianapolis Soap Box Derby Association is one of only three cities that has participated in the national soap box racing program since its founding in 1934; and

WHEREAS, the Indianapolis Derby began on the hill in front of Second Presbyterian Church near 80th and Meridian Streets, but now has a permanent home at the Wilbur Shaw Memorial Soap Box Derby Hill at Riverside Park which is considered one of the best tracks and facilities in the nation; and

WHEREAS, last year a partnership with the Indianapolis Motor Speedway, the Indianapolis Department of Parks and Recreation, the Indianapolis Weed and Seed Program, the Indianapolis Housing Agency, and the local Soap Box Derby Association formed the Indianapolis Inner City Youth Racing League, which in its very first year was recognized by the Akron national office as a model for other cities, and this second year saw the number of drivers and teams increase 40% over the first year; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the generations of adults and young people who have been a part of the Indianapolis Soap Box Derby Association, and now the new Indianapolis Inner City Youth Racing League.

SECTION 2. The Council is proud to have such an active local derby organization in Indianapolis, and wishes them the best of success in the future.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Soards read a special resolution welcoming an International delegation of the "American Council of Young Political Leaders" to the City next week. He stated that both he and Councillor Gibson have participated in this program that allows individuals to experience democracy in other parts of the world. Councillor Gibson welcomed this group to Indianapolis and said that it was a wonderful opportunity for him to visit Bulgaria and for Councillor Soards to visit Uruguay.

Councillor Borst stated that he failed to recognize Perry Township Assessor Kathy Price during the introduction of visitors.

Councillor Borst asked for consent to vote on Proposal Nos. 437 and 440, 2002 together. Both are board appointments that passed out of their respective committees with unanimous do pass recommendations. Consent was given.

PROPOSAL NO. 437, 2002. The proposal, sponsored by Councillor Borst, appoints Richard Petrecca to the County Property Tax Assessment Board of Appeals. PROPOSAL NO. 440, 2002. The proposal, sponsored by Councillor Coughenour, appoints Gus Miller to the Indianapolis City Market Corporation Board of Directors. By unanimous votes, the Committees reported the proposals to the Council with the recommendation that they do pass. Councillor Borst moved, seconded by Councillor Coughenour, for adoption. Proposal Nos. 437 and 440, 2002 were adopted by a unanimous voice vote.

Proposal No. 437, 2002 was retitled COUNCIL RESOLUTION NO. 78, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 78, 2002

A COUNCIL RESOLUTION appointing Richard Petrecca to the County Property Tax Assessment Board of Appeals.

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. As a member of the County Property Tax Assessment Board of Appeals, the Council appoints:

Richard Petrecca

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 440, 2002 was retitled COUNCIL RESOLUTION NO. 79, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 79, 2002

A COUNCIL RESOLUTION appointing Gus Miller to the Indianapolis City Market Corporation Board of Directors.

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. As a member of the Indianapolis City Market Corporation Board of Directors, the Council appoints:

Gus Miller

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 456, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$45,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (County General Fund) to increase funding in the food budget for the remainder of 2002, funded by revenues from the

School Lunch Program"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 484, 2002. Introduced by Councillors McWhirter and Talley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which codifies the salaries of elected and appointed officials and fixes the salaries of county employees for calendar year 2003"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 485, 2002. Introduced by Councillors McWhirter and Talley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Deferred Compensation Plan of the City and County"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 486, 2002. Introduced by Councillor Douglas. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the issuance of "City of Indianapolis, Indiana, Redevelopment District Annual Appropriation Revenue Bonds of 2002," in an original aggregate issued amount not to exceed Five Million Dollars to complete necessary improvements in the 82 acre Martindale Brightwood Industrial Development Area/Keystone Enterprise Park located at I-70 and Keystone Avenue"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 487, 2002. Introduced by Councillors Cockrum and Douglas. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$575,000 in the 2002 Budget of the Department of Parks and Recreation (Transportation General Fund) to pay for the collection and removal of trees and related debris from public rights-of-way resulting from the tornadoes of September 20, 2002, financed by fund balances"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 488, 2002. Introduced by Councillors Cockrum and Gray. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$168,750 in the 2002 Budget of the Department of Parks and Recreation (City Cumulative Capital Development Fund) to fund the DPR portion of payment for Cottonwood Lakes at approximately 8900 South Mann Road, as well as complete the purchase of the Mann Property, making Southwestway Park the second largest park in Marion County, financed by fund balances"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 489, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$175,000 in the 2002 Budget of the County Sheriff (State and Federal Grants Fund) for expenses related to the Local Law Enforcement Block Grant # 6, funded by grant from the Bureau of Justice Programs"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 490, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$125,000 in the 2002 Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) to cover the expenses of the Multi-Agency Law Enforcement Fatal Crash Team, funded by grant from the Governor's Council on Impaired and Dangerous Driving and the National Highway Traffic Safety Administration"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 491, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$11,135 in the 2002 Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) to cover the expenses of the Fathers That Work Program, funded by a grant from the State of Indiana"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 492, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$50,000 in the 2002 Budgets of the County Auditor and the Marion County Superior Court (State and Federal Grants Fund) to cover expenses related to the Local Law Enforcement Block Grant # 6, funded by grant from the Bureau of Justice Programs"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 493, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$6,849 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (Guardian Ad Litem Fund) to cover expenses related to Child Advocates, Inc., funded by a grant from the State of Indiana"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 494, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$28,065 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to fund additional expenses for the Juvenile Accountability Incentive Block Grant #3"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 495, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$1,070,567 in the 2002 Budgets of the County Auditor and the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to appropriate the Juvenile Accountability Incentive Block Grant #4 from the Indiana Criminal Justice Institute (Local match of \$20,968 is funded by existing appropriations in the Marion County Justice Agency and Marion County Superior Court)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 496, 2002. Introduced by Councillors Dowden and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fire Special Service District Fiscal Ordinance which approves an increase of \$2,500 in the 2002 Budget of the Department of Public Safety, Fire Division (Non-Lapsing Federal Grants Fund) to support the Permanent Fitting Stations (PFS) project at IFD Station #30, a program to educate citizens on the proper installation and use of carseats, financed by a federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 497, 2002. Introduced by Councillors Dowden and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$70,000 in the 2002 Budget of the Department of Public Safety, Animal Care and Control Division (Consolidated County Fund) to pay for additional animal supplies and clothing supplies for new field and kennel employees, and to fund a consultant study of the Care and Control sections of this division"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 498, 2002. Introduced by Councillor Massie. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which creates a merit system for the hiring,

promotion, layoff, recall, and discipline of corrections officers in the employ of the Marion County Sheriff"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 499, 2002. Introduced by Councillors Gibson and Bainbridge. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's establishment of a charter school by issuing a charter to Flanner House Higher Learning Center, Inc."; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 500, 2002. Introduced by Councillors Gibson and Bainbridge. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's establishment of a charter school by issuing a charter to Charter for Accelerated Learning, Inc."; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 501, 2002. Introduced by Councillors Gibson and Bainbridge. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's establishment of a charter school by issuing a charter to KIPP Indianapolis, Inc."; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 502, 2002. Introduced by Councillors Cockrum and Gray. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which determines the need to purchase approximately 92 acres of real property at 8605 Mann Road for the use of the Department of Parks and Recreation"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 503, 2002. Introduced by Councillor Massie. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal for Madison Avenue, Nelson Avenue, and K-Mart Access Drive (District 20)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 504, 2002. Introduced by Councillor Langsford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal for Emerson Avenue at Crystal Flash Entrance located at 4903 South Emerson Avenue (District 23)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 505, 2002. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 12th Street and Sheffield Avenue (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 506, 2002. Introduced by Councillor Knox. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Auburn Street and Oliver Avenue (District 17)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 507, 2002. Introduced by Councillor Black. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on the north side of 42nd Street, from College Avenue west to the first alley (District 6)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 522, 2002. Introduced by Councillor Massie. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which authorizes the transfer of control of Cable Television Franchise from Time Warner Entertainment-Advance Newhouse Partnership to

TWEAN Subsidiary, LLC"; and the President referred it to the Rules and Public Policy Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 513-514, 2002, PROPOSAL NO. 515, 2002, PROPOSAL NOS. 516-520, 2002, and PROPOSAL NO. 521, 2002. Introduced by Councillor Smith. Proposal Nos. 513-514, 2002, Proposal No. 515, 2002, Proposal Nos. 516-520, 2002, and Proposal No. 521, 2002 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on September 28 and October 1 and 2, 2002, respectively. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 127-135, 2002, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 127, 2002.

2002-ZON-060A

1701, 1717 and 1819 MAIN STREET and 14 and 18 SOUTH 17TH AVENUE (approximate addresses), CITY OF BEECH GROVE.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24

FAMILY VIDEO MOVIE-CLUB, INC., by Joseph D. Calderon request a rezoning of 1.20 acres, being in the D-5 and C-4 Districts, to the C-3 classification to provide for neighborhood commercial development.

REZONING ORDINANCE NO. 128, 2002.

2002-ZON-060B

1717 and 1819 MAIN STREET and 14 and 18 SOUTH 17TH AVENUE (approximate addresses), CITY OF BEECH GROVE.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24

FAMILY VIDEO MOVIE-CLUB, INC., by Joseph D. Calderon request a rezoning of 1.40 acres, being in the D-5, C-1 and C-4 Districts, to the D-8 classification to legally-establish multi-family residential development.

REZONING ORDINANCE NO. 129, 2002.

2002-ZON-102

2512 and 2600 EAST 38TH STREET (approximate address), INDIANAPOLIS.

WASHINGTON and CENTER TOWNSHIPS, COUNCILMANIC DISTRICT #11

CHILDREN'S BUREAU OF INDIANAPOLIS.. INC., requests a rezoning of 1.73 acres, being in the D-5 (W-1) and C-1 (W-1) District, to the C-1 (W-1) classification to provide for a community multi-service center.

REZONING ORDINANCE NO. 130, 2002.

2002-ZON-039

9251, 9249, 9229, and 9215 ROCKVILLE ROAD and 59, 75, 85, and 153 SOUTH RACEWAY ROAD (approximate addresses), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 19

DS DEVELOPMENT LLC requests a rezoning of 5.46 acres, being in the C-3 and D-2 Districts, to the C-S classification to provide for C-1 and C-3 uses.

REZONING ORDINANCE NO. 131, 2002.

2002-ZON-099 (2002-DP-008)

3901 SHELBYVILLE ROAD (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24

COMMUNITY DEVELOPMENT, INC, by Raymond Good, requests a rezoning of 62.40 acres, being in the D-A District, to the D-P classification to provide for single-family and two-family residential development, resulting in 2.69 units per acre.

REZONING ORDINANCE NO. 132, 2002.

2002-ZON-120

2835 NORTH ILLINOIS STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

FATHERS AND FAMILIES RESOURCE/RESEARCH CENTER, INC. requests a rezoning of 0.40 acre, being in the SU-35 District, to the C-1 classification to provide for office development.

REZONING ORDINANCE NO. 133, 2002.

2002-ZON-127

11960 EAST 62ND STREET (approximate address), CITY OF LAWRENCE.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 5

ALLSTAR PROPERTY DEVELOPMENT, LLC, by Joseph M. Scimia, requests a rezoning of 5.00 acres, being in the D-A District, to the C-4 classification to provide for an indoor recreational facility.

REZONING ORDINANCE NO. 134, 2002.

2002-ZON-129

5050 NORTH POST ROAD (approximate address), CITY OF LAWRENCE.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 5

GORE LANDSCAPING, by Thomas Michael Quinn, requests a rezoning of 4.64 acres, being in the I-2-S and C-5 Districts, to the C-S classification to provide for a mixed commercial use facility including a landscaping business, neighborhood commercial and light industrial uses with related parking and ancillary uses.

REZONING ORDINANCE NO. 135, 2002.

2002-ZON-085 (2002-DP-006)

8020 ACTON ROAD (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23

C. P. MORGAN COMMUNITIES, LP, by Brian J. Tuohy, requests a rezoning of 148.8 acres, being in the D-A (FF) District, to the D-P (FF) classification to provide for single-family residential development, with a density of 2.55 units per acre.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 438, 2002. Councillor Bradford reported that the Community Affairs Committee's last committee hearing was cancelled, but he asked for consent to go ahead and hear the proposal and vote on it this evening. Consent was given. The proposal, sponsored by Councillor Bradford, approves an increase of \$30,000 in the 2002 Budgets of the County Auditor and the Cooperative Extension Service (County Grants Fund) to fund the program assistant position for one year, funded by a grant from the Indiana State Lawn Care Association. Councillor Bradford said that a representative from the Cooperative Extension is here to answer any questions, but each Councillor should have received information regarding this proposal in their mailbox.

President SerVaas called for public testimony at 8:46 p.m. There being no one present to testify, Councillor Bradford moved, seconded by Councillor Conley for adoption. Proposal No. 438, 2002 was adopted on the following roll call vote; viz:

24 YEAS: Bainbridge, Black, Borst, Bradford, Brents, Cockrum, Conley, Coonrod, Douglas, Dowden, Gray, Horseman, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Tilford

0 NAYS:

5 NOT VOTING: Boyd, Coughenour, Gibson, Knox, Talley

Proposal No. 438, 2002 was retitled FISCAL ORDINANCE NO. 105, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 105, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 98, 2001) appropriating an additional Thirty Thousand Dollars (\$30,000) in the County Grants Fund for purposes of the County Auditor and the Cooperative Extension Service and reducing the unappropriated and unencumbered balance in the County Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (b,m) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and the Cooperative Extension Service to fund the program assistant position for one year.

SECTION 2. The sum of Thirty Thousand Dollars (\$30,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>COUNTY GRANTS FUND</u>
1. Personal Services-fringes	8,400
 <u>COOPERATIVE EXTENSION SERVICE</u>	
1. Personal Services	21,600
TOTAL INCREASE	30,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>COUNTY GRANTS FUND</u>
Unappropriated and Unencumbered	
County Grants Fund	30,000
TOTAL REDUCTION	30,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 442, 2002. Councillor Cockrum reported that the Parks and Recreation Committee heard Proposal No. 442, 2002 on September 19, 2002. The proposal, sponsored by Councillors Cockrum and Gray, approves an appropriation of \$236,184 in the 2002 Budget of the Department of Parks and Recreation (Non-Lapsing Federal Grants Fund) to establish and continue after school youth programs at several IPS and Indy Park sites, financed by federal grants. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:47 p.m. There being no one present to testify, Councillor Cockrum moved, seconded by Councillor Gray, for adoption. Proposal No. 442, 2002 was adopted on the following roll call vote; viz:

23 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Douglas, Dowden, Gray, Knox, Massie, McWhirter, Moriarty Adams, Nytes, Schneider, SerVaas, Short, Smith, Soards, Tilford

0 NAYS:

6 NOT VOTING: Conley, Gibson, Horseman, Langsford, Sanders, Talley

Proposal No. 442, 2002 was retitled FISCAL ORDINANCE NO. 106, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 106, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating Two Hundred and Thirty-six Thousand One Hundred and Eighty-four Dollars (\$236,184) in the Non-Lapsing Federal Grants Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Non-Lapsing Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (l) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to establish and continue after school youth programs at several IPS and Indy parks sites.

SECTION 2. The sum of Two Hundred and Thirty-six Thousand One Hundred and Eighty-four Dollars (\$236,184) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
2. Materials and Supplies	24,500
3. Other Services and Charges	208,984
4. Capital Outlay	<u>2,700</u>
TOTAL INCREASE	236,184

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered Non-Lapsing Federal Grants Fund	<u>236,184</u>
TOTAL DECREASE	236,184

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 444-449 and 451, 2002 on September 18, 2002. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 444, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$95,652 in the 2002 Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) to fund a specially trained OVWI (Operating a Vehicle While Intoxicated) Fatality Prosecutor, funded by a grant from the Governor's Council on Impaired and Dangerous Driving and the National Highway Traffic Safety Administration. PROPOSAL NO. 445, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$200,000 in the 2002 Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) for seat belt and drunk driving enforcement and public information campaign in Marion County, funded by a grant from the Governor's Council on Impaired and Dangerous Driving and the National Highway Traffic Safety Administration. PROPOSAL NO. 446, 2002. The proposal,

sponsored by Councillor Dowden, approves an increase of \$244,000 in the 2002 Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) to fund a drunk driving enforcement project in Marion County, funded by a grant from the Governor's Council on Impaired and Dangerous Driving and the National Highway Traffic Safety Administration. PROPOSAL NO. 447, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$3,609 in the 2002 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to appropriate the difference between the 2002 Grant Book and the amount awarded for A Child's Haven. PROPOSAL NO. 448, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$5,352 in the 2002 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to appropriate the difference between the 2002 Grant Book and the amount awarded for the Julian Center. PROPOSAL NO. 449, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$86,232 in the 2002 Budget of the Marion County Superior Court (State and Federal Grants Fund) to continue treatment readiness evaluations by CASI (Community Addiction Services of Indiana) and implement a web site for Community Court information, funded by a grant from the Indiana Criminal Justice Institute. PROPOSAL NO. 451, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$150,000 in the 2002 Budget of the Marion County Superior Court (Jury Pay Fund) to pay for a death penalty case, financed by fund balances. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President SerVaas called for public testimony at 8:53 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal Nos. 444-449 and 451, 2002 were adopted on the following roll call vote; viz:

26 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gray, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford

0 NAYS:

3 NOT VOTING: Bradford, Gibson, Horseman

Proposal No. 444, 2002 was retitled FISCAL ORDINANCE NO. 107, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 107, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Ninety-five Thousand Six Hundred Fifty-two Dollars (\$95,652) in the State and Federal Grants Fund for purposes of the County Auditor and the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and the Prosecuting Attorney to fund a specially trained OVWI (Operating a Vehicle While Intoxicated) Fatality Prosecutor.

SECTION 2. The sum of Ninety-five Thousand Six Hundred and Fifty-two Dollars (\$95,652) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	14,738
<u>PROSECUTING ATTORNEY</u>	
1. Personal Service	58,943
2. Supplies	1,000
3. Other Services and Charges	<u>20,971</u>
TOTAL INCREASE	95,652

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>95,652</u>
TOTAL REDUCTION	95,652

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 445, 2002 was retitled FISCAL ORDINANCE NO. 108, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 108, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Two Hundred Thousand Dollars (\$200,000) in the State and Federal Grants Fund for purposes of the County Auditor and Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (b,c) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and the Prosecuting Attorney for seat belt and drunk driving enforcement and for a public information campaign in Marion County.

SECTION 2. The sum of Two Hundred Thousand Dollars (\$200,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	7,572
<u>COUNTY PROSECUTOR</u>	
1. Personal Service	66,852
2. Supplies	4,000
3. Other Services and Charges	<u>121,576</u>
TOTAL INCREASE	200,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>200,000</u>
TOTAL REDUCTION	200,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 446, 2002 was retitled FISCAL ORDINANCE NO. 109, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 109, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Two Hundred Forty-four Thousand Dollars (\$244,000) in the State and Federal Grants Fund for purposes of the County Auditor and the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and the Prosecuting Attorney to fund a drunk driving enforcement project in Marion County.

SECTION 2. The sum of Two Hundred Forty-four Thousand Dollars (\$244,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	7,544
<u>PROSECUTING ATTORNEY</u>	
1. Personal Service	88,766
3. Other Services and Charges	<u>147,690</u>
TOTAL INCREASE	244,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>244,000</u>
TOTAL REDUCTION	244,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 447, 2002 was retitled FISCAL ORDINANCE NO. 110, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 110, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Three Thousand Six Hundred Nine Dollars (\$3,609) in the State and Federal Grants Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (c) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney to appropriate the difference between the 2002 Grant Book and the amount awarded for A Child's Haven.

SECTION 2. The sum of Three Thousand Six Hundred Nine Dollars (\$3,609) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>PROSECUTING ATTORNEY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	3,609
TOTAL INCREASE	3,609

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	3,609
TOTAL REDUCTION	3,609

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 448, 2002 was retitled FISCAL ORDINANCE NO. 111, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 111, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Five Thousand Three Hundred Fifty-two Dollars (\$5,352) in the State and Federal Grants Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney to appropriate the difference between the 2002 Grant Book and the amount awarded for the Julian Center.

SECTION 2. The sum of Five Thousand Three Hundred Fifty-two Dollars (\$5,352) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>PROSECUTING ATTORNEY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>5,352</u>
TOTAL INCREASE	5,352

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>5,352</u>
TOTAL REDUCTION	5,352

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 449, 2002 was retitled FISCAL ORDINANCE NO. 112, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 112, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Eighty-six Thousand Two Hundred Thirty-two Dollars (\$86,232) in the State and Federal Grants Fund for purposes of the Marion County Superior Court and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court to continue treatment readiness evaluations by Community Addiction Services of Indiana and implement a web site for Community Court information.

SECTION 2. The sum of Eighty-six Thousand Two Hundred Thirty-two Dollars (\$86,232) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>86,232</u>
TOTAL INCREASE	86,232

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>86,232</u>
TOTAL REDUCTION	86,232

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or

project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 451, 2002 was retitled FISCAL ORDINANCE NO. 113, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 113, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional One Hundred Fifty Thousand Dollars (\$150,000) in the Jury Pay Fund for purposes of the Marion County Superior Court and reducing the unappropriated and unencumbered balance in the Jury Pay Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(j) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court to pay for a death penalty case.

SECTION 2. The sum of One Hundred Fifty Thousand Dollars (\$150,000) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SUPERIOR COURT</u>	<u>JURY PAY FUND</u>
3. Other Services and Charges	<u>150,000</u>
TOTAL INCREASE	150,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>JURY PAY FUND</u>
Unappropriated and Unencumbered	
Jury Pay Fund	<u>150,000</u>
TOTAL REDUCTION	150,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Dowden stated that Proposal Nos. 450, and 453-455, 2002 need to be postponed. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 450, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$40,000 in the 2002 Budget of the Marion County Superior Court (State and Federal Grants Fund) to pay for exterior improvements to the Community Court building, funded by a grant from a Community Development Block Grant, through the Department of Metropolitan Development. PROPOSAL NO. 453, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$2,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) for the purchase of supplies for two children's programs, funded by a grant from Alliance with Indiana. PROPOSAL NO. 454, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$70,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (Guardian Ad Litem Fund) to increase funding to Child Advocates, Inc., funded by revenue received from the State of Indiana. PROPOSAL NO. 455, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$50,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division

(Juvenile Probation Fees Fund) to remodel the Juvenile Probation office, financed by fund balances. Councillor Dowden moved, seconded by Councillor Massie, for postponement.

Councillor Short asked why Proposal No. 450, 2002 is being postponed when it passed out of committee with a unanimous do pass recommendation. Councillor Dowden said that the fund was mis-identified in the advertising, and because it needed to be re-advertised, it cannot be acted on this evening.

Proposal Nos. 450, and 453-455, 2002 were postponed until October 28, 2002 by a unanimous voice vote.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 434, 2002. Councillor Massie reported that the Rules and Public Policy Committee heard Proposal No. 434, 2002 on September 17, 2002. The proposal, sponsored by Councillors Borst and McWhirter, concerns council district boundaries. Councillor Massie said that several public hearings have been held and three public maps were submitted for consideration. By a 5-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Borst said that this has been a very long process and there has been more public input than ever before. Also, the maps and information have been on the Internet, which was not available ten years ago. He said that some further amendments were hand-delivered and e-mailed last week. He said that the amended version has been available to the public, as well, since last Thursday both on the Internet and through the Council office. He said that these amendments keep the population deviation at 0.25, with no district having more than 45 people more or less than the ideal. The amendment puts the normal routine of signing off on the redistricting back into the proposal, so that the Council can simply vote on the merits of the map with this proposal. He said that he still believes the Mayor should not have a role in the redistricting process as has been the case in the past, and he hopes the Mayor will respect that. The State law separates the powers between the Council and the Mayor, and the law specifically states that the Council shall divide the county into 25 districts. Councillor Borst moved, seconded by Councillor Soards, to amend the proposal as per this amended version. Proposal No. 434, 2002 was amended on the following roll call vote; viz:

16 YEAS: Bainbridge, Borst, Bradford, Cockrum, Coonrod, Coughenour, Dowden, Langsford, Massie, McWhirter, Schneider, SerVaas, Smith, Soards, Talley, Tilford

13 NAYS: Black, Boyd, Brents, Conley, Douglas, Gibson, Gray, Horseman, Knox, Moriarty Adams, Nytes, Sanders, Short

Councillor Talley said that the different aspects of the amendment should be separated out, so that he can vote differently on separate items. President SerVaas said that the vote has already taken place and that is not possible at this time.

Councillor Borst moved, seconded by Councillor Massie, for adoption of Proposal No. 434, 2002, as amended.

Councillor Boyd read the following prepared statement:

Dr. SerVaas, Dr. Borst, members of the Council, and members of the public both here and watching on television:

I am privileged to have served as a member of this Council since 1968, longer than any other member save Dr. SerVaas. I am also proud to have served for much of that time as minority leader. As minority leader, I have tried to conduct myself honorably and with the dignity this Council deserves. I have cooperated with the majority when I agreed with its proposals, and I have opposed them on those occasions when I believed their ideas to be misguided. Tonight, however, I am feeling both anger and disappointment about the Redistricting proposal that has been put before us and about the process that led us to this point. Only Dr. SerVaas and I have been on this Council during each of the post-Unigov redistrictings. I am not so naïve as to think that redistricting is not, by its nature, perhaps the most partisan undertaking we or any other legislative body engages in. During these previous redistrictings, I and my fellow Democrats were little more than bystanders because there were too few of us to meaningfully influence the process. During those previous redistrictings, Republicans had very substantial majorities on the Council as well as control of the Mayor's office. Republicans were at that time clearly entitled to claim the mantle of governing party, and we as Democrats had little choice but to let them govern and to play our role as the loyal opposition.

Thirty years of one-party domination of Marion County politics suddenly changed in 1999, with the election of Mayor Peterson, and for the first time in the history of Unigov, the election of four Democrats to the at-large Council seats. Our City and County have changed dramatically since the last time this body redrew its districts. No doubt to the displeasure of the majority, the changes have affected the politics of the County. Not only did the Democratic Party make substantial gains in the 1999 municipal elections, it also gained ground in the 2000 election cycle. My party's candidate for governor received over 61% of the vote in this county in the year 2000, and our county-wide candidates lost only narrowly. The Republican majority of this Council is no doubt aware of these successes, and they surely suspect further success is likely for our party. In short, Marion County is now politically competitive. As a Democrat leader in Indianapolis-Marion County, I do not intend to stand idly by and watch Republican leadership try to reverse this competitiveness with a pencil.

When this redistricting process began earlier this year, the Majority Leader promised that the process would be open and fair, with unparalleled public access and input. We in the minority took him at his word. Early in the process we offered amendments to Proposal No. 211, 2002, which set forth the rules and timeline for Council redistricting. Our amendments would have required a 2-day notice of significant amendments to any redistricting proposal before it was submitted to either a committee or Council vote. This amendment, had it been approved, would have ensured a fair opportunity for the members of this Council and the public to review and comment upon redistricting proposals. Unfortunately, the Republican majority defeated this proposal on a party-line vote. In accordance with the timeline set forth in Proposal No. 211, 2002, I submitted a redistricting proposal on behalf of the Democratic caucus on August 26, 2002. The proposal that I submitted on that date was available for review by the public, the press, and the Majority party for a three-week period prior to the Rules and Public Policy Committee hearing held on September 17, 2002 to consider redistricting proposals. We were prepared to explain, debate, and defend our plan on that date. We were also prepared to discuss and debate the merits of the Republican plan that had been submitted on August 26, 2002 for consideration. However, we arrived at the Committee hearing on September 17 to find that Council Republican leadership had submitted an entirely new redistricting plan on behalf of the Republican caucus. No explanation for this last-minute amendment was given. This was precisely the type of gamesmanship that we sought to prevent in offering the earlier amendment to Proposal No. 211, 2002. By submitting a new redistricting plan, the Republican majority prevented any discussion or debate of the merits of the plan. The Republican majority denied the public the opportunity to review and comment upon its proposal at the Committee hearing. The Democratic members of the Committee asked that any vote on the proposed plan be delayed until the next meeting of the Rules and Public Policy Committee. Indeed, Proposal No. 211, 2002 specifically sets forth an October 22, 2002 date for an additional meeting of the Committee to consider redistricting proposals. The Republican majority refused to provide the public with additional time to review its new proposal, and on a party-line vote, passed the proposal out of committee.

At the September 17th Committee meeting, the majority party also engaged in an act I have never seen in my 30 years on the Council. Instead of debating the merits of the proposal that I had submitted on behalf of the Caucus, Dr. Borst asked its attorney to come forward and attempt to engage me and the other Democratic members of the Committee in a cross-examination regarding the proposal. I was prepared and willing to answer any and all questions from my fellow Council

members regarding the merits of the proposal. I would have gladly answered questions from the public regarding the proposal. However, I found it highly inappropriate to be subjected to questioning by the Republican majority's hired lawyer for purely political reasons. I was and remain outraged by this unseemly political cheap trick.

Late last week, the Republicans made still further changes to their plan. Thus, we are now presented with the third different proposal that has been offered by the Republican majority. I would not have been surprised and I will not be surprised if we are presented with a fourth version tonight. In light of this pattern, how can anyone know if we are considering the real Republican plan or just stalking a horse? How do we know that if their current version is defeated by the Council or vetoed by the Mayor, as we believe it should be, that they won't spring yet another version on us and the public at a future committee or Council meeting?

At the beginning of this process, the Majority party paid lip service to the requirement in the statute that districts be compact, so as to respect communities of interest and decrease the public's cynicism of the redistricting process. The governing statute does not say that districts should be compact. Nor does the statute say that they shall be "reasonably compact" or that they should be "as compact as is practicable." Rather, the statute says that districts shall, without qualification, be "compact." When the three plans submitted by members of the public were critiqued by the consultant hired by the majority party, he described each of these plans as not having compactness as an objective. Yet each of those plans showed far more respect for the compactness requirement than does the current Republican plan, which more resembles a jigsaw puzzle or a Picasso painting than a symmetrical grid. Not only does the current Republican redistricting proposal ignore the compactness requirement, it is also an example of political gerrymandering in its most obvious form. The latest Republican plan pairs two Democratic incumbents (Councillors Short and Knox) in the same district. It also converts the district in which Councillor Gray serves from a Democratic to a Republican majority district. The Republican proposal significantly alters the boundaries of the districts currently occupied by Democrats, for the apparent political purpose of forcing Democrats to run in substantially different districts. In short, the current Republican plan shows that the majority party is not simply content with the 60% of the single-member districts it currently controls, but wants to insure that it will continue to control districts in gross disproportion to the number of Republican voters in Marion County. We will oppose, and ask the Mayor to veto, any redistricting ordinance that denies to a segment of Marion County voters a fair opportunity to compete for majority status on the Council. I am also angry that the majority party has the audacity to tell the rest of us that Council redistricting is no one's business but theirs. Until late last week, the Republican's redistricting ordinance, Proposal No. 434, 2002, contained a section declaring that redistricting is the Council's sole prerogative and that the voices of the rest of us, including the Mayor's, should be silenced. The majority party has at least for now backed away from this extreme and legally untenable position. But at the same time it now asks the Council to enact a resolution declaring that redistricting is none of the Mayor's or the public's business. In a letter last week to Council members, Dr. Borst also ominously warned the Mayor against "provoking a legal showdown," which he implied would follow if the Mayor were to veto the Republican's politically gerrymandered and flawed redistricting map.

I assure the members of the majority party that the Democrats on this Council will not be bullied. We are tired of the gamesmanship you have exhibited throughout this process. We are tired of being treated as if we were irrelevant to the redistricting process. We are tired of the last-minute bait-and-switch tactics which have kept us and the public from analyzing your redistricting plans. We are tired of watching you use the technology paid for by the taxpayers of this county to deny Democratic voters a proportional share of the 25 single-member seats on this Council. We are tired of your challenge to Mayor Peterson's right and indeed his duty to carefully scrutinize any redistricting ordinance to make certain that it complies with the law and is politically fair to all voters in this county. And we are tired of your secrecy and political manipulation of the process to further your purely partisan goals.

If the Democratic voters of this county continue to be denied justice in the redistricting process or its outcome, we will not hesitate to look to the other branches of government to restore the justice and fairness they have thus far been denied. We will not be intimidated in the pursuit of these objectives and we will not quit until a legal, fair, and just redistricting plan is in place. To do any less would be a disservice to the voters of this county who in 1999 voted for political parity in this County.

Councillor Borst said that input has been allowed to both the Minority Caucus and the public since the beginning of this process. He said that the Minority Caucus chose not to participate in some of this process and provide input, which was their decision. He added that while redistricting is the public's business, he does not believe it is the Mayor's. He said that the public has been allowed input for more than three weeks to analyze changes. He said that the Committee has followed the rules and kept the process open and honest.

Proposal No. 434, 2002, as amended, was adopted on the following roll call vote; viz:

15 YEAS: Bainbridge, Borst, Bradford, Cockrum, Coonrod, Coughenour, Dowden, Langsford, Massie, McWhirter, Schneider, SerVaas, Smith, Soards, Tilford

14 NAYS: Black, Boyd, Brents, Conley, Douglas, Gibson, Gray, Horseman, Knox, Moriarty Adams, Nytes, Sanders, Short, Talley

Proposal No. 434, 2002, as amended, was retitled GENERAL ORDINANCE NO. 93, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 93, 2002

A GENERAL ORDINANCE amending Chapter 152 of the Revised Code concerning council district boundaries.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Chapter 152 of the "Revised Code of the Consolidated City and County" be, and is hereby, amended by adopting a new Chapter 152 to read as follows:

CHAPTER 152

COUNCIL DISTRICT BOUNDARIES

ARTICLE I. DISTRICTS ESTABLISHED

Sec. 152-101. Districts. Pursuant to IC 36-3-4-2 and IC 36-3-4-3, the City-County Council consists of twenty-nine (29) members, four (4) of which are elected at large and twenty-five (25) of which are elected from single member districts.

Sec. 152-102. At large districts. Four (4) members of the City-County Council shall be elected from an electoral district that consists of all of Marion County, Indiana, and each voter of the county may vote for four (4) at large candidates.

Sec. 152-103. Single member districts. The county is divided into twenty-five (25) single member districts, from each of which one member shall be elected by the voters in that district. The boundaries of each district are set forth in Secs. 152-201 through 152-226 Article II of this chapter.

ARTICLE II. SINGLE MEMBER DISTRICT BOUNDARIES

Sec. 152-201. First district.

The first council district shall include and be composed of the territory within the following county precincts:

Pike Precinct 4, Pike Precinct 8, Pike Precinct 9, Pike Precinct 14, Pike Precinct 20, Pike Precinct 27, Pike Precinct 28, Pike Precinct 29, Pike Precinct 34, Pike Precinct 35, Pike Precinct 36, Pike Precinct 37, Pike Precinct 40, Pike Precinct 41, Pike Precinct 52, Pike Precinct 53, Pike Precinct 55, Washington Precinct 10, Washington Precinct 22, Washington Precinct 26, Washington Precinct 33, Washington Precinct 34, Washington Precinct 46, Washington Precinct 53, Washington Precinct 59, Washington Precinct 63, Washington Precinct 64, Washington Precinct 65, Washington Precinct 66, Washington Precinct 67, Washington Precinct 68, Washington Precinct 69, Washington Precinct 73, Washington Precinct 74, Washington Precinct 79, Washington Precinct 80, Washington Precinct 85, Washington Precinct 91,

Washington Precinct 92, Washington Precinct 107, Washington Precinct 109, Washington Precinct 113, Washington Precinct 47

Sec. 152-202. Second district.

The second council district shall include and be composed of the territory within the following county precincts:

Pike Precinct 1, Pike Precinct 2, Pike Precinct 3, Pike Precinct 5, Pike Precinct 6, Pike Precinct 12, Pike Precinct 15, Pike Precinct 17, Pike Precinct 18, Pike Precinct 19, Pike Precinct 21, Pike Precinct 22, Pike Precinct 23, Pike Precinct 26, Pike Precinct 32, Pike Precinct 33, Pike Precinct 38, Pike Precinct 43, Pike Precinct 44, Pike Precinct 45, Pike Precinct 46, Pike Precinct 49, Pike Precinct 54, Pike Precinct 56, Pike Precinct 57, Pike Precinct 59, Pike Precinct 60, Washington Precinct 20, Washington Precinct 23, Washington Precinct 71, Wayne Precinct 34, Wayne Precinct 70

Sec. 152-203. Third district.

The third council district shall include and be composed of the territory within the following county precincts:

Ward 21 Precinct 3, Ward 21 Precinct 6, Ward 21 Precinct 7, Ward 21 Precinct 10, Ward 21 Precinct 13, Ward 21 Precinct 14, Ward 21 Precinct 15, Ward 21 Precinct 16, Ward 21 Precinct 17, Ward 21 Precinct 18, Ward 21 Precinct 20, Ward 21 Precinct 22, Ward 21 Precinct 23, Lawrence Precinct 27, Lawrence Precinct 43, Lawrence Precinct 47, Lawrence Precinct 70, Lawrence Precinct 71, Lawrence Precinct 72, Lawrence Precinct 73, Lawrence Precinct 74, Lawrence Precinct 86, Washington Precinct 1, Washington Precinct 9, Washington Precinct 11, Washington Precinct 15, Washington Precinct 16, Washington Precinct 18, Washington Precinct 21, Washington Precinct 35, Washington Precinct 42, Washington Precinct 44, Washington Precinct 52, Washington 54, Washington Precinct 56, Washington Precinct 57, Washington Precinct 58, Washington Precinct 70, Washington Precinct 75, Washington Precinct 76, Washington Precinct 77, Washington Precinct 81, Washington Precinct 90, Washington Precinct 94, Washington Precinct 97, Washington Precinct 111

Sec. 152-204. Fourth district.

The fourth council district shall include and be composed of the territory within the following county precincts:

Lawrence Precinct 2, Lawrence Precinct 3, Lawrence Precinct 5, Lawrence Precinct 7, Lawrence Precinct 8, Lawrence Precinct 10, Lawrence Precinct 12, Lawrence Precinct 14, Lawrence Precinct 17, Lawrence Precinct 21, Lawrence Precinct 22, Lawrence Precinct 24, Lawrence Precinct 26, Lawrence Precinct 28, Lawrence Precinct 31, Lawrence Precinct 34, Lawrence 35, Lawrence Precinct 37, Lawrence Precinct 38, Lawrence Precinct 39, Lawrence Precinct 40, Lawrence Precinct 44, Lawrence Precinct 45, Lawrence Precinct 48, Lawrence Precinct 49, Lawrence Precinct 52, Lawrence Precinct 62, Lawrence Precinct 63, Lawrence Precinct 64, Lawrence Precinct 65, Lawrence Precinct 68, Lawrence Precinct 75, Lawrence Precinct 77, Lawrence Precinct 79, Lawrence Precinct 80, Lawrence Precinct 83, Lawrence Precinct 87, Lawrence Precinct 90, Washington Precinct 32, Washington Precinct 78

Sec. 152-205. Fifth district.

The fifth council district shall include and be composed of the territory within the following county precincts:

Ward 27 Precinct 15, Ward 27 Precinct 23, Lawrence Precinct 6, Lawrence Precinct 11, Lawrence Precinct 16, Lawrence Precinct 20, Lawrence Precinct 23, Lawrence Precinct 25, Lawrence Precinct 29, Lawrence Precinct 30, Lawrence Precinct 32, Lawrence Precinct 33, Lawrence Precinct 36, Lawrence Precinct 46, Lawrence Precinct 50, Lawrence Precinct 51, Lawrence 53, Lawrence Precinct 54, Lawrence Precinct 57, Lawrence Precinct 58, Lawrence Precinct 59, Lawrence Precinct 66, Lawrence Precinct 76, Lawrence Precinct 78, Lawrence Precinct 81, Lawrence Precinct 82, Lawrence Precinct 84, Lawrence Precinct 85, Lawrence Precinct 88, Lawrence Precinct 67

Sec. 152-206. Sixth district.

The sixth council district shall include and be composed of the territory within the following county precincts:

Center Ward 4 Precinct 2, Center Ward 4 Precinct 3, Center Ward 4 Precinct 4, Center Ward 4 Precinct 9, Center Ward 5 Precinct 3, Center Ward 5 Precinct 4, Center Ward 5 Precinct 9, Center Ward 5 Precinct 11, Ward 20 Precinct 1, Ward 20 Precinct 5, Ward 20 Precinct 7, Ward 20 Precinct 8, Ward 20 Precinct 9, Ward 20 Precinct 10, Ward 20 Precinct 11, Ward 20 Precinct 12, Ward 20 Precinct 13, Ward 20 Precinct 14, Ward 20 Precinct 15, Ward 20 Precinct 16, Ward 20 Precinct 17, Ward 20 Precinct 18, Ward 20 Precinct 19, Pike Precinct 13, Washington Precinct 4, Washington Precinct 8, Washington Precinct 14, Washington Precinct 19, Washington Precinct 24, Washington Precinct 30, Washington Precinct 49, Washington Precinct 50, Washington Precinct 51, Washington Precinct 60, Washington Precinct 82, Washington Precinct 83, Washington Precinct 108, Washington Precinct 112

Sec. 152-207. Seventh district.

The seventh council district shall include and be composed of the territory within the following county precincts:

Ward 21 Precinct 1, Ward 21 Precinct 2, Ward 21 Precinct 4, Ward 21 Precinct 5, Ward 21 Precinct 8, Ward 21 Precinct 9, Ward 21 Precinct 11, Ward 21 Precinct 12, Ward 21 Precinct 19, Ward 21 Precinct 24, Washington Precinct 2, Washington Precinct 3, Washington Precinct 6, Washington Precinct 7, Washington Precinct 12, Washington Precinct 13, Washington Precinct 25, Washington Precinct 27, Washington Precinct 28, Washington Precinct 29, Washington Precinct 31, Washington Precinct 37, Washington Precinct 38, Washington Precinct 41, Washington Precinct 43, Washington Precinct 45, Washington Precinct 48, Washington Precinct 55, Washington Precinct 61, Washington Precinct 62, Washington Precinct 72, Washington Precinct 84, Washington Precinct 86, Washington Precinct 87, Washington Precinct 88, Washington Precinct 89, Washington Precinct 93, Washington Precinct 96, Washington Precinct 98, Washington Precinct 101, Washington Precinct 102, Washington Precinct 103, Washington Precinct 104, Washington Precinct 105, Washington Precinct 106, Washington Precinct 110, Washington Precinct 114, Pike Precinct 48

Sec. 152-208. Eighth district.

The eighth council district shall include and be composed of the territory within the following county precincts:

Ward 19 Precinct 6, Ward 19 Precinct 7, Ward 19 Precinct 8, Wayne Precinct 1, Wayne Precinct 2, Wayne Precinct 4, Wayne Precinct 5, Wayne Precinct 9, Wayne Precinct 17, Wayne Precinct 18, Wayne Precinct 25, Wayne Precinct 26, Wayne Precinct 27, Wayne Precinct 28, Wayne Precinct 29, Wayne Precinct 31, Wayne Precinct 32, Wayne Precinct 33, Wayne Precinct 38, Wayne Precinct 39, Wayne Precinct 40, Wayne Precinct 43, Wayne Precinct 46, Wayne Precinct 47, Wayne Precinct 48, Wayne Precinct 50, Wayne Precinct 51, Wayne Precinct 55, Wayne Precinct 60, Wayne Precinct 61, Wayne Precinct 64, Wayne Precinct 66, Wayne Precinct 69, Wayne Precinct 72, Wayne Precinct 80, Wayne Precinct 87, Wayne Precinct 57

Sec. 152-209. Ninth district.

The ninth council district shall include and be composed of the territory within the following county precincts:

Ward 28 Precinct 11, Ward 28 Precinct 19, Ward 28 Precinct 23, Lawrence Precinct 1, Lawrence Precinct 13, Lawrence Precinct 42, Lawrence Precinct 56, Lawrence Precinct 60, Lawrence Precinct 89, Warren Precinct 2, Warren Precinct 7, Warren Precinct 14, Warren Precinct 15, Warren Precinct 17, Warren Precinct 18, Warren Precinct 21, Warren Precinct 22, Warren Precinct 23, Warren Precinct 24, Warren Precinct 33, Warren Precinct 35, Warren Precinct 36, Warren Precinct 37, Warren Precinct 38, Warren Precinct 39, Warren Precinct 41, Warren Precinct 42, Warren Precinct 43, Warren Precinct 50, Warren Precinct 51, Warren Precinct 54, Warren Precinct 56, Lawrence Precinct 55

Sec. 152-210. Tenth district.

The tenth council district shall include and be composed of the territory within the following county precincts:

Center Ward 4 Precinct 10, Ward 20 Precinct 2, Ward 20 Precinct 3, Ward 20 Precinct 4, Ward 20 Precinct 6, Ward 21 Precinct 21, Ward 22 Precinct 1, Ward 22 Precinct 2, Ward 22 Precinct 3, Ward 22 Precinct 4, Ward 22 Precinct 5, Ward 22 Precinct 6, Ward 22 Precinct 7, Ward 22 Precinct 8, Ward 22 Precinct 9, Ward 22 Precinct 10, Ward 22 Precinct 11, Ward 22 Precinct 12, Ward 22 Precinct 13, Ward 22 Precinct 14, Center Ward 23 Precinct 2, Center Ward 23 Precinct 6, Ward 27 Precinct 2, Ward 27 Precinct 4, Ward 27 Precinct 6, Ward 27 Precinct 9, Ward 27 Precinct 11, Ward 27 Precinct 12, Ward 27 Precinct 17, Ward 27 Precinct 25, Ward 27 Precinct 26, Ward 27 Precinct 28, Ward 31 Precinct 1, Ward 31 Precinct 2, Ward 31 Precinct 4,

Ward 31 Precinct 6, Ward 31 Precinct 7, Ward 31 Precinct 8, Lawrence Precinct 4, Lawrence Precinct 9, Lawrence Precinct 15, Lawrence Precinct 18, Lawrence Precinct 19, Lawrence Precinct 41, Lawrence 91, Washington Precinct 5, Washington Precinct 17, Washington Precinct 39, Washington Precinct 40

Sec. 152-211. Eleventh district.

The eleventh council district shall include and be composed of the territory within the following county precincts:

Ward 27 Precinct 1, Ward 27 Precinct 3, Ward 27 Precinct 5, Ward 27 Precinct 7, Ward 27 Precinct 8, Ward 27 Precinct 10, Ward 27 Precinct 13, Ward 27 Precinct 14, Ward 27 Precinct 16, Ward 27 Precinct 18, Ward 27 Precinct 19, Ward 27 Precinct 20, Ward 27 Precinct 21, Ward 27 Precinct 22, Ward 27 Precinct 24, Ward 27 Precinct 29, Ward 27 Precinct 30, Ward 28 Precinct 14, Ward 28 Precinct 15, Ward 28 Precinct 17, Ward 28 Precinct 18, Ward 28 Precinct 21, Ward 28 Precinct 22, Ward 28 Precinct 26, Ward 28 Precinct 27, Ward 28 Precinct 29, Warren Precinct 20, Warren Precinct 34, Warren Precinct 47, Warren Precinct 48, Warren Precinct 49, Warren Precinct 57, Warren Precinct 59

Sec. 152-212. Twelfth district.

The twelfth council district shall include and be composed of the territory within the following county precincts:

Ward 18 Precinct 1, Ward 18 Precinct 3, Ward 18 Precinct 10, Ward 18 Precinct 11, Ward 18 Precinct 12, Ward 18 Precinct 13, Ward 18 precinct 14, Ward 28 Precinct 3, Ward 28 Precinct 4, Ward 28 Precinct 9, Ward 28 Precinct 20, Ward 28 Precinct 25, Ward 28 Precinct 28, Franklin Precinct 1, Franklin Precinct 6, Franklin Precinct 8, Franklin Precinct 9, Franklin Precinct 12, Franklin Precinct 20, Warren Precinct 1, Warren Precinct 3, Warren Precinct 4, Warren Precinct 5, Warren Precinct 6, Warren Precinct 8, Warren Precinct 9, Warren Precinct 10, Warren Precinct 13, Warren Precinct 19, Warren Precinct 25, Warren Precinct 26, Warren Precinct 27, Warren Precinct 30, Warren Precinct 31, Warren Precinct 32, Warren Precinct 45, Warren Precinct 55

Sec. 152-213. Thirteenth district.

The thirteenth council district shall include and be composed of the territory within the following county precincts:

Center Ward 9 Precinct 5, Center Ward 9 Precinct 6, Center Ward 9 Precinct 7, Center Ward 9 Precinct 9, Center Ward 9 Precinct 10, Center Ward 9 Precinct 12, Center Ward 9 Precinct 14, Center Ward 9 Precinct 16, Center Ward 10 Precinct 7, Center Ward 16 Precinct 2, Center Ward 16 Precinct 3, Center Ward 16 Precinct 5, Center Ward 16 Precinct 6, Center Ward 16 Precinct 8, Center Ward 16 Precinct 10, Center Ward 16 Precinct 11, Center Ward 17 Precinct 9, Ward 18 precinct 4, Ward 18 Precinct 5, Ward 18 Precinct 6, Ward 18 Precinct 7, Ward 18 Precinct 9, Ward 18 Precinct 15, Center Ward 25 Precinct 1, Center Ward 25 Precinct 2, Center Ward 25 Precinct 3, Center Ward 25 Precinct 4, Center Ward 25 Precinct 6, Center Ward 25 Precinct 7, Center Ward 25 Precinct 8, Center Ward 25 Precinct 9, Center Ward 25 Precinct 10, Center Ward 25 Precinct 11, Center Ward 25 Precinct 12, Center Ward 25 Precinct 13, Center Ward 25 Precinct 14, Ward 28 Precinct 1, Ward 28 Precinct 2

Sec. 152-214. Fourteenth district.

The fourteenth council district shall include and be composed of the territory within the following county precincts:

Center Ward 2 Precinct 1, Center Ward 2 Precinct 7, Center Ward 2 Precinct 8, Center Ward 3 Precinct 1, Center Ward 3 Precinct 2, Center Ward 3 Precinct 3, Center Ward 3 Precinct 4, Center Ward 3 Precinct 5, Center Ward 3 Precinct 6, Center Ward 3 Precinct 7, Center Ward 3 Precinct 8, Center Ward 4 Precinct 1, Center Ward 4 Precinct 5, Center Ward 4 Precinct 7, Center Ward 4 Precinct 8, Center Ward 5 Precinct 12, Center Ward 7 Precinct 1, Center Ward 7 Precinct 2, Center Ward 7 Precinct 3, Ward 7 precinct 4, Center Ward 7 Precinct 6, Center Ward 8 Precinct 1, Center Ward 8 Precinct 2, Center Ward 8 Precinct 3, Center Ward 8 Precinct 4, Center Ward 8 Precinct 5, Center Ward 10 Precinct 1, Center Ward 10 Precinct 3, Center Ward 10 Precinct 4, Center Ward 10 Precinct 8, Center Ward 10 Precinct 9, Center Ward 10 Precinct 10, Center Ward 11 Precinct 3, Center Ward 23 Precinct 1, Center Ward 23 Precinct 3, Center Ward 23 Precinct 4, Center Ward 23 Precinct 5, Center Ward 23 Precinct 7, Center Ward 23 Precinct 8, Center Ward 23 Precinct 9, Center Ward 23 Precinct 10, Center Ward 23 Precinct 11, Center Ward 23 Precinct 12, Center Ward 23 Precinct 13

Sec. 152-215. Fifteenth district.

The fifteenth council district shall include and be composed of the territory within the following county precincts:

Center Ward 1 Precinct 1, Center Ward 1 Precinct 2, Center Ward 1 Precinct 3, Center Ward 1 Precinct 4, Center Ward 1 Precinct 5, Center Ward 1 Precinct 6, Center Ward 1 Precinct 7, Center Ward 1 Precinct 9, Center Ward 1 Precinct 10, Center Ward 1 Precinct 12, Center Ward 1 Precinct 13, Center Ward 1 Precinct 14, Center Ward 1 Precinct 15, Center Ward 1 Precinct 16, Center Ward 1 Precinct 17, Center Ward 2 Precinct 2, Center Ward 2 Precinct 3, Center Ward 2 Precinct 4, Center Ward 2 Precinct 9, Center Ward 2 Precinct 10, Center Ward 2 Precinct 11, Center Ward 9 Precinct 1, Center Ward 9 Precinct 2, Center Ward 9 Precinct 3, Center Ward 9 Precinct 11, Center Ward 9 Precinct 15, Ward 28 Precinct 5, Ward 28 Precinct 6, Ward 28 Precinct 7, Ward 28 Precinct 8, Ward 28 Precinct 10, Ward 28 Precinct 12, Ward 28 Precinct 13, Ward 28 Precinct 24, Ward 28 Precinct 30, Ward 31 Precinct 3, Ward 31 Precinct 5, Ward 31 Precinct 10, Warren Precinct 11

Sec. 152-216. Sixteenth district.

The sixteenth council district shall include and be composed of the territory within the following county precincts:

Center Ward 14 Precinct 2, Center Ward 14 Precinct 4, Center Ward 14 Precinct 5, Center Ward 14 Precinct 6, Ward 19 Precinct 9, Ward 24 Precinct 1, Ward 24 Precinct 4, Ward 24 Precinct 5, Ward 24 Precinct 6, Ward 24 Precinct 7, Decatur Precinct 3, Decatur Precinct 5, Decatur Precinct 10, Decatur Precinct 13, Decatur Precinct 14, Perry Precinct 6, Perry Precinct 29, Perry Precinct 65, Perry Precinct 69, Perry Precinct 78, Wayne Precinct 6, Wayne Precinct 7, Wayne Precinct 8, Wayne Precinct 13, Wayne Precinct 14, Wayne Precinct 15, Wayne Precinct 16, Wayne Precinct 24, Wayne Precinct 30, Wayne Precinct 41

Sec. 152-217. Seventeenth district.

The seventeenth council district shall include and be composed of the territory within the following county precincts:

Center Ward 4 Precinct 6, Center Ward 5 Precinct 1, Center Ward 5 Precinct 2, Center Ward 5 Precinct 5, Center Ward 5 Precinct 6, Center Ward 5 Precinct 8, Center Ward 5 Precinct 10, Center Ward 6 Precinct 1, Center Ward 6 Precinct 3, Center Ward 6 Precinct 4, Center Ward 6 Precinct 10, Ward 29 Precinct 16, Ward 29 Precinct 23, Ward 29 Precinct 29, Ward 29 Precinct 30, Center Ward 32 Precinct 1, Ward 32 Precinct 2, Center Ward 32 Precinct 3, Center Ward 32 Precinct 4, Pike Precinct 7, Pike Precinct 10, Pike Precinct 11, Pike Precinct 16, Pike Precinct 24, Pike Precinct 25, Pike Precinct 30, Pike Precinct 39, Pike Precinct 42, Pike Precinct 47, Pike Precinct 50, Pike Precinct 51, Pike Precinct 58, Washington Precinct 36

Sec. 152-218. Eighteenth district.

The eighteenth council district shall include and be composed of the territory within the following county precincts:

Ward 29 Precinct 12, Ward 29 Precinct 13, Ward 29 Precinct 19, Ward 29 Precinct 20, Ward 29 Precinct 28, Pike Precinct 31, Wayne Precinct 3, Wayne Precinct 21, Wayne Precinct 22, Wayne Precinct 23, Wayne Precinct 37, Wayne Precinct 44, Wayne Precinct 45, Wayne Precinct 53, Wayne Precinct 54, Wayne Precinct 59, Wayne Precinct 62, Wayne Precinct 65, Wayne Precinct 67, Wayne Precinct 71, Wayne Precinct 74, Wayne Precinct 77, Wayne Precinct 79, Wayne Precinct 82, Wayne Precinct 83, Wayne Precinct 84, Wayne Precinct 85, Wayne Precinct 86, Wayne Precinct 88

Sec. 152-219. Nineteenth district.

The nineteenth council district shall include and be composed of the territory within the following county precincts:

Decatur Precinct 1, Decatur Precinct 2, Decatur Precinct 4, Decatur Precinct 6, Decatur Precinct 7, Decatur Precinct 8, Decatur Precinct 9, Decatur Precinct 11, Decatur Precinct 12, Decatur Precinct 15, Decatur Precinct 16, Decatur Precinct 17, Decatur Precinct 18, Decatur Precinct 19, Decatur Precinct 20, Wayne Precinct 10, Wayne Precinct 11, Wayne Precinct 12, Wayne Precinct 19, Wayne Precinct 20, Wayne Precinct 35, Wayne Precinct 36, Wayne Precinct 49, Wayne Precinct 52, Wayne Precinct 56, Wayne Precinct 63, Wayne Precinct 68, Wayne Precinct 73, Wayne Precinct 76, Wayne Precinct 81

Sec. 152-220. Twentieth district.

The twentieth council district shall include and be composed of the territory within the following county precincts:

Center Ward 26 Precinct 1, Center Ward 26 Precinct 2, Center Ward 26 Precinct 4, Center Ward 26 Precinct 5, Center Ward 26 Precinct 6, Center Ward 26 Precinct 7, Center Ward 26 Precinct 8, Center Ward 30 Precinct 2, Center Ward 30 Precinct 3, Center Ward 30 Precinct 4, Center Ward 30 Precinct 5, Center Ward 30 Precinct 6, Center Ward 30 Precinct 7, Center Ward 30 Precinct 8, Perry Precinct 3, Perry Precinct 7, Perry Precinct 9, Perry Precinct 10, Perry Precinct 17, Perry Precinct 18, Perry Precinct 19, Perry Precinct 20, Perry Precinct 21, Perry Precinct 26, Perry Precinct 30, Perry Precinct 32, Perry Precinct 40, Perry Precinct 41, Perry Precinct 47, Perry Precinct 48, Perry Precinct 51, Perry Precinct 52, Perry Precinct 55, Perry Precinct 61, Perry Precinct 62, Perry Precinct 64, Perry Precinct 68, Perry Precinct 82

Sec. 152-221. Twenty-first district.

The twenty-first council district shall include and be composed of the territory within the following county precincts:

Center Ward 5 Precinct 7, Center Ward 6 Precinct 2, Center Ward 6 Precinct 5, Center Ward 6 Precinct 6, Center Ward 6 Precinct 7, Center Ward 6 Precinct 8, Center Ward 6 Precinct 9, Center Ward 6 Precinct 11, Center Ward 12 Precinct 1, Ward 19 Precinct 1, Ward 19 Precinct 2, Ward 19 Precinct 3, Ward 19 Precinct 4, Ward 19 Precinct 5, Ward 19 Precinct 10, Ward 19 Precinct 11, Ward 19 Precinct 12, Ward 24 Precinct 2, Ward 24 Precinct 3, Ward 29 Precinct 1, Ward 29 Precinct 2, Ward 29 Precinct 3, Ward 29 Precinct 4, Ward 29 Precinct 5, Ward 29 Precinct 6, Ward 29 Precinct 7, Ward 29 Precinct 8, Ward 29 Precinct 9, Ward 29 Precinct 10, Ward 29 Precinct 11, Ward 29 Precinct 14, Ward 29 Precinct 15, Ward 29 Precinct 17, Ward 29 Precinct 21, Ward 29 Precinct 22, Ward 29 Precinct 24, Ward 29 Precinct 25, Ward 29 Precinct 26, Ward 29 Precinct 27, Ward 29 Precinct 31, Ward 29 Precinct 33

Sec. 152-222. Twenty-second district.

The twenty-second council district shall include and be composed of the territory within the following county precincts:

Center Ward 10 Precinct 2, Center Ward 10 Precinct 5, Center Ward 10 Precinct 6, Center Ward 11 Precinct 1, Center Ward 11 Precinct 2, Center Ward 11 Precinct 4, Center Ward 11 Precinct 5, Center Ward 12 Precinct 2, Center Ward 12 Precinct 3, Center Ward 12 Precinct 4, Center Ward 12 Precinct 5, Center Ward 13 Precinct 1, Center Ward 13 Precinct 2, Center Ward 13 Precinct 4, Center Ward 13 Precinct 5, Center Ward 13 Precinct 7, Center Ward 13 Precinct 9, Center Ward 13 Precinct 11, Center Ward 13 Precinct 12, Center Ward 15 Precinct 1, Center Ward 15 Precinct 2, Center Ward 15 Precinct 3, Center Ward 16 Precinct 1, Center Ward 16 Precinct 4, Center Ward 16 Precinct 7, Center Ward 17 Precinct 1, Center Ward 17 Precinct 2, Center Ward 17 Precinct 3, Center Ward 17 Precinct 5, Center Ward 17 Precinct 6, Center Ward 30 Precinct 1, Center Ward 30 Precinct 10, Center Ward 30 Precinct 12

Sec. 152-223. Twenty-third district.

The twenty-third council district shall include and be composed of the territory within the following county precincts:

Center Ward 17 Precinct 7, Center Ward 17 Precinct 8, Center Ward 17 Precinct 11, Ward 18 Precinct 2, Ward 18 Precinct 8, Center Ward 30 Precinct 9, Franklin Precinct 2, Franklin Precinct 3, Franklin Precinct 4, Franklin Precinct 5, Franklin Precinct 10, Franklin Precinct 11, Franklin Precinct 13, Franklin Precinct 14, Franklin Precinct 15, Franklin Precinct 16, Franklin Precinct 17, Franklin Precinct 18, Franklin Precinct 19, Franklin Precinct 22, Franklin Precinct 23, Franklin Precinct 24, Franklin Precinct 25, Franklin Precinct 26, Warren Precinct 12, Warren Precinct 28, Warren Precinct 29, Center Outside Precinct 3, Center Outside Precinct 4

Sec. 152-224. Twenty-fourth district.

The twenty-fourth council district shall include and be composed of the territory within the following county precincts:

Center Outside 1, Center Outside 2, Franklin Precinct 7, Franklin Precinct 21, Perry Precinct 2, Perry Precinct 8, Perry Precinct 11, Perry Precinct 12, Perry Precinct 16, Perry Precinct 23, Perry Precinct 24, Perry Precinct 25, Perry Precinct 31, Perry Precinct 38, Perry Precinct 39, Perry Precinct 45, Perry Precinct 46, Perry Precinct 49, Perry Precinct 50, Perry Precinct 53, Perry Precinct 63, Perry Precinct 67, Perry Precinct 71,

Perry Precinct 72, Perry Precinct 73, Perry Precinct 77, Perry Precinct 83, Perry Precinct 85, Perry Precinct 1, Perry Precinct 42

Sec. 152-225. Twenty-fifth district.

The Twenty-fifth council district shall include and be composed of the territory within the following county precincts:

Center Ward 13 Precinct 6, Center Ward 13 Precinct 8, Center Ward 13 Precinct 10, Center Ward 13 Precinct 13, Center Ward 17 Precinct 4, Center Ward 17 Precinct 10, Center Ward 26 Precinct 3, Center Ward 30 Precinct 11, Perry Precinct 4, Perry Precinct 5, Perry Precinct 13, Perry Precinct 14, Perry Precinct 15, Perry Precinct 22, Perry Precinct 27, Perry Precinct 28, Perry Precinct 33, Perry Precinct 34, Perry Precinct 35, Perry Precinct 36, Perry Precinct 37, Perry Precinct 43, Perry Precinct 44, Perry Precinct 54, Perry Precinct 56, Perry Precinct 57, Perry Precinct 58, Perry Precinct 59, Perry Precinct 66, Perry Precinct 70, Perry Precinct 74, Perry Precinct 75, Perry Precinct 76, Perry Precinct 79, Perry Precinct 80, Perry Precinct 84, Perry Precinct 86

ARTICLE III. ADOPTION AND INTERPRETATION

Sec. 152-301. Exhibits.

The map or maps filed in connection with the submission of the districting plan adopted as Article II of this Chapter shall be marked by the clerk as "Proposal No. 434, 2002; Exhibit A" and retained with the permanent records of the ordinance adopting this article.

Sec. 152-302. Rules of construction.

(a) Any discrepancies or conflicts between the geographic boundaries of the precincts and the boundaries of the census voting districts and any omission or duplicate assignment of any territory shall be resolved by reference to the exhibit referenced in section 152-301 or to the rules of construction stated in this section.

(b) The districts in Article II of this Chapter shall be construed so as to include all of the territory of the county within one (1), but only one (1), of the districts established by this article.

(c) Article II of this Chapter shall be construed so as to exclude from all districts any territory not located in the county.

(d) Any territory in the county which is omitted from a district shall be deemed to be included either (i) in the district that surrounds it if there be one or, (ii) if contiguous to two (2) or more districts, in the contiguous district that otherwise has the lowest total population.

(e) Any territory which is included in more than one (1) district shall be deemed included only in either (i) the district whose boundaries surround it or (ii) in the contiguous district which otherwise has the lowest total population.

Sec. 152-303. Reservations.

The council reserves the right to amend or revise the descriptions of the districts set forth in Article II of this Chapter to correct any errors, duplications or omissions in the descriptions, to conform to any corrections or revisions of the census data hereafter made by the U.S. Bureau of Census, to comply with any valid court order respecting this article, or for any other lawful purpose.

Sec. 152-304. This Chapter shall be in full force and effect for the election in the year 2003 and thereafter, upon passage of this ordinance by the City-County Council pursuant to IC 36-3-4-3.

SECTION 2. Secs. 152-1 through 152-34 of the Revised Code in effect upon the date of passage of this ordinance shall be repealed effective December 31, 2002, except that the districts established by Secs. 152-21 through 152-26 shall continue for purposes of filling any vacancies that may occur prior to December 31, 2003.

PROPOSAL NO. 441, 2002. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 441, 2002 on September 23, 2002. The proposal, sponsored by Councillor Knox, designates White River Parkway, West Drive, from Washington Street to New

York Street, including the New York Street Bridge, as the E.B. Kelley Memorial Parkway and Bridge. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Knox said that Mr. Kelley deserves this recognition for all the great things that he has done for that community, and the neighborhood is still in need of a community center. He said that he has tried to work with three different mayors to get a community center in that neighborhood and has still not been successful. President SerVaas said that Councillor Knox has somewhat stepped into Mr. Kelley's shoes to enrich his community. Councillor Knox invited everyone to come to the dedication ceremony once a date and time is established.

As per Councillor Smith's request for a public hearing, President SerVaas called for public testimony at 9:32 p.m. There being no one present to testify, Councillor Smith moved, seconded by Councillor Knox, for adoption. Proposal No. 441, 2002 was adopted on the following roll call vote; viz:

29 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford
0 NAYS:

Proposal No. 441, 2002 was retitled SPECIAL RESOLUTION NO. 61, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 61, 2002

A SPECIAL RESOLUTION designating White River Parkway, West Drive, from Washington Street to New York Street, including the New York Street Bridge, as the E.B. Kelley Memorial Parkway and Bridge.

WHEREAS, Everett B. (E.B.) Kelley was Director of the Lauter Boys Club for 41 years, from 1928 to 1969, only taking four years off to serve in the Army during W.W. II; and

WHEREAS, Mr. Kelley taught discipline and brought order to the lives of boys who came from some of the city's largest families and neediest neighborhoods known as Stringtown, Rivertown, Hawthorne and West Indianapolis; and

WHEREAS; the Club was originally donated in 1913 as a memorial to their father by the daughters of Herman B. Lauter, but over the years the expansion of IUPUI and commercial development changed the residential character of the neighborhood, and the Club now is a part of the Indianapolis Zoo; and

WHEREAS, E.B. Kelley touched the lives of an estimated 40,000 boys during his four decade tenure, including Butler University's All-American basketball player Ralph "Buckshot" O'Brien who credited Kelley with giving him direction as a youth; and

WHEREAS, during the years of the Great Depression, a half century before the full integration of the boys and girls clubs, Kelley welcomed girls to the Club two nights a week and on Saturday afternoons to watch movies, play basketball and enjoy group activities just like the boys; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council does hereby honor the memory of Everett B. (E.B.) Kelley, longtime Director of the Lauter Boys Club, molder of young lives, and role model, by designating White River Parkway, West Drive, from Washington Street to New York Street, including the New York Street Bridge, as the E.B. Kelley Memorial Parkway and Bridge.

SECTION 2. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 443, 2002. Councillor Cockrum reported that the Parks and Recreation Committee heard Proposal No. 443, 2002 on September 19, 2002. The proposal, sponsored by Councillors Cockrum and Gray, approves a transfer totaling \$40,000 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) to demolish the clubhouse at Smock Golf Course. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Cockrum moved, seconded by Councillor Gray, for adoption. Proposal No. 443, 2002 was adopted on the following roll call vote; viz:

28 YEAS: Bainbridge, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford
 0 NAYS:
 1 NOT VOTING: Black

Proposal No. 443, 2002 was retitled FISCAL ORDINANCE NO. 114, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 114, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) transferring and appropriating Forty Thousand Dollars (\$40,000) in the Park General Fund for purposes of the Department of Parks and Recreation and reducing certain other appropriations for that department.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
 CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (l) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to demolish the clubhouse at Smock Golf Course.

SECTION 2. The sum of Forty Thousand Dollars (\$40,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
3. Other Services and Charges	40,000
TOTAL INCREASE	40,000

SECTION 4. The said additional appropriation is funded by the following reductions:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
4. Capital Outlay	40,000
TOTAL DECREASE	40,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 452, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 452, 2002 on September 18, 2002. The proposal, sponsored by Councillor Dowden, approves a transfer of \$180,000 in the 2002 Budget of the Marion County Superior Court (County General Fund) to pay for outsourcing contracts and law library books. By a 9-0 vote, the Committee reported the proposal to the Council with the

recommendation that it do pass as amended. Councillor Dowden moved, seconded by Councillor Borst, for adoption. Proposal No. 452, 2002 was adopted on the following roll call vote; viz:

29 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford

0 NAYS:

Proposal No. 452, 2002, as amended, was retitled FISCAL ORDINANCE NO. 115, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 115, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No.97, 2001) transferring and appropriating an additional One Hundred Eighty Thousand Dollars (\$180,000) in the County General Fund for purposes of the Marion County Superior Court and reducing certain other appropriations from that court.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.(j) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court to pay for outsourcing contractual services and law library books.

SECTION 2. The sum of One Hundred Eighty Thousand Dollars (\$180,000) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY SUPERIOR COURT</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	140,000
4. Capital Outlay	40,000
TOTAL INCREASE	180,000

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>MARION COUNTY SUPERIOR COURT</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	180,000
TOTAL DECREASE	180,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

NEW BUSINESS

Councillor Boyd moved to strike Proposal No. 381, 2002, as the proposal is no longer relevant. PROPOSAL NO. 381, 2002. The proposal, sponsored by Councillors Boyd, Short, Moriarty Adams, Talley, and Douglas, expands the police special service district to include all the territory of the Consolidated City, and to create an "old city limits district" comprised of the territory of the former police special service district, and to make corresponding technical amendments to numerous provisions of the Revised Code. Councillor Talley seconded the motion, and Proposal No. 381, 2002 was stricken by a unanimous voice vote.

PROPOSAL NO. 458, 2002. The proposal, sponsored by Councillors Coughenour and Moriarty Adams, authorizes the Department of Public Works, Office of Environmental Services, to apply for grant assistance from the Indiana Department of Environmental Management to continue the

City's participation in the statewide Mercury Awareness Program as a regional hub site. Councillor Coughenour moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 458, 2002 was adopted on the following roll call vote; viz:

29 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford
0 NAYS:

Proposal No. 458, 2002 was retitled SPECIAL RESOLUTION NO. 65, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 65, 2002

PROPOSAL FOR A SPECIAL RESOLUTION authorizing the Department of Public Works, Office of Environmental Services to apply for grant assistance from the Indiana Department of Environmental Management to continue the City's participation in the statewide Mercury Awareness Program as a regional hub site.

WHEREAS the City-County Council of Indianapolis, Marion County, Indiana is the County legislative body and is by law authorized to adopt ordinances and resolutions concerning governmental and internal affairs of Marion County, Indiana; and

WHEREAS the City-County Council of Indianapolis, Marion County, Indiana has consistently demonstrated support for environmental programs which show an interest in protecting the environmental health of the residents of Marion County;

WHEREAS, IC 13-20-20-3 (b)(6) requires a resolution authorizing the project and the grant request; now therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council hereby authorizes the grant request and the continued participation of the Department of Public Works' Office of Environmental Services in the Mercury Awareness Program as a regional hub.

SECTION 2. The Office of Environmental Services intends to carry out all the specific activities listed in the grant.

SECTION 3. The Office of Environmental Services will allow IDEM employees to have access to and inspect the hub facility.

SECTION 4. The Office of Environmental Services commits to maintain appropriate records that document all expenditures made during the project and submit a final report to IDEM of all project activities, achievements, and problems.

SECTION 5. The Office of Environmental Services will follow a timetable that completes the project within 24 months, agrees to hold established collection events in accordance with the grant application and submit reports on or before the date that IDEM requires them.

SECTION 6. The Office of Environmental Services commits the funding required to complete all portions of the project excluding the grant amount.

SECTION 7. The Council affirms that the City has an existing household collection site and a small quantity generator program and affirms that the City already has an education program that stresses source reduction for household hazardous waste and the substitution of non-hazardous alternatives.

SECTION 8. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 523, 2002. The proposal, sponsored by Councillor Borst, concerns the division of Marion County into electoral districts. Councillor Borst moved, seconded by Councillor Soards, for adoption.

Councillor Short said that he opposes this proposal, as the Statute allows the Council the authority to pass an ordinance regarding division of the districts, but not the exclusive power to divide the districts. He said that all former redistricting ordinances have been sent to the Mayor for his signature or veto and were therefore subject to the Mayor's approval. He said that this proposal simply sets up the same fight for litigation that would have occurred over Proposal No. 434, 2002 this evening if that language had not been amended out. He said that the only difference is that the former Mayors have been Republicans.

Councillor Sanders said that the Republicans continuously reminded the Democrats during the budget process that the Mayor was the Chief Executive Officer of the County, and he is still such.

Proposal No. 523, 2002 was adopted on the following roll call vote; viz:

15 YEAS: Bainbridge, Borst, Bradford, Cockrum, Coonrod, Coughenour, Dowden, Langsford, Massie, McWhirter, Schneider, SerVaas, Smith, Soards, Tilford
14 NAYS: Black, Boyd, Brents, Conley, Douglas, Gibson, Gray, Horseman, Knox, Moriarty, Adams, Nytes, Sanders, Short, Talley

Proposal No. 523, 2002 was retitled COUNCIL RESOLUTION NO. 80, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 80, 2002

A COUNCIL RESOLUTION concerning the division of Marion County in to electoral districts.

WHEREAS, the UNIGOV redistricting statute (Ind. Code § 36-3-4-3) gives the Indianapolis City-County Council the responsibility to divide the Marion County into twenty-five (25) districts; and

WHEREAS, the City-County Council has divided the County into twenty-five (25) districts pursuant to Ind. Code § 36-3-4-3; and

WHEREAS, an election in the twenty-five (25) districts drawn by the City-County Council will be conducted in May, 2003; and

WHEREAS, candidate filings for the May, 2003, primary will begin in January, 2003; and

WHEREAS, the UNIGOV redistricting statute does not describe a role for the Mayor of Indianapolis in the redistricting process; and

WHEREAS, the power of County Commissioners to divide the county into electoral districts is not subject to veto in any county in the State of Indiana; and

WHEREAS, the UNIGOV redistricting statute transferred the redistricting power of the Marion County Commissioners to the City-County Council; and

WHEREAS, no Mayor of the Consolidated City of Indianapolis has ever vetoed a redistricting plan drawn by the City-County Council; and

WHEREAS, no Mayor of the Consolidated City of Indianapolis has ever previously claimed a veto power over a redistricting plan of the City-County Council or involved himself in the redistricting efforts of the City-County Council; and

WHEREAS, the Corporation Counsel of the City of Indianapolis recently testified at a hearing of the Committee on Rules and Public Policy that the Mayor has the authority to veto a redistricting plan drawn by the City-County Council;

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. It is the sense of the City-County Council that any effort by the Mayor to veto the City-County Council's division of the County into districts would violate more than thirty years of past precedent and practice under the UNIGOV law and would constitute an invalid and improper intrusion into the redistricting responsibility of the City-County Council.

SECTION 2. The President of the City-County Council is authorized to take all necessary and proper actions to defend the City-County Council's division of the County into electoral districts and to see that such division is fully implemented prior to the upcoming municipal elections.

SECTION 3. The President of the City-County Council is authorized to recommend to the Clerk of the Council appropriate legal counsel to undertake any legal action that he may believe is necessary to see that the Council's division of the County into electoral districts is fully implemented prior to the upcoming municipal elections.

Councillor Conley said that Councillor Bradford has challenged him to a gumbo cookoff at the next Council meeting, and the Council will benefit from this challenge by being able to share in the consumption of the contest entries.

Councillor Cockrum said that David Letterman, talk show host and native Indiana resident, has been petitioning that I-465 be named after him. He said that he would encourage the Mayor and the Capital Improvements Board to put together a proposal to instead solicit that Mr. Letterman buy the naming rights for Conseco Fieldhouse.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Knox in memory of Michael Ray Pitcock; and
- (2) Councillor Horseman in memory of Ellen Pitcher; and
- (3) Councillor Talley in memory of Robert L. Ackles, Gladys Trammell, and Delbert Kinchelow; and
- (4) Councillor Soards in memory of Larry Hoover; and
- (5) Councillor Moriarty Adams in memory of William (Bill) McAtee.

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Michael Ray Pitcock, Ellen Pitcher, Robert L. Ackles, Gladys Trammell, Delbert Kinchelow, Larry Hoover, and William (Bill) McAtee. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:47 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 7th day of October 2002.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.



President

ATTEST:



Clerk of the Council

(SEAL)

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, OCTOBER 28, 2002**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:21 p.m. on Monday, October 28, 2002, with President SerVaas presiding.

Councillor Sanders shared an opening thought regarding the philosophy of leadership and invited all present to join her in the Pledge of Allegiance to the Flag.

ROLL CALL

President SerVaas instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

29 PRESENT: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford

A quorum of twenty-nine members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

President SerVaas recognized family members and friends in attendance this evening to wish him well in his last meeting as President. Councillor Short recognized State Finance Committee Chairman, Senator Larry Borst and his wife Eldoris. Councillor McWhirter recognized former Councillor and current State Representative Phillip Hinkle. Councillor Short recognized Congresswoman Julia Carson. Councillor Coonrod recognized former Councillors Stuart Rhodes, Steven West, Alan Kimball, and Carlton Curry. Councillor Sanders recognized Mayor Bart Peterson. Councillor Gray recognized Michael Sears, one of the first African-American Indiana State Troopers. Councillor Conley recognized his wife Judy. Councillor Langsford recognized County Prosecutor Scott Newman.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, October 28, 2002, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Beurt SerVaas
President, City-County Council

October 8, 2002

TO PRESIDENT SERVAAS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, October 11, 2002, a copy of a Notice of Public Hearing on Proposal Nos. 450, 486-493, 495, and 496, 2002, said hearing to be held on Monday, October 28, 2002, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Suellen Hart
Clerk of the City-County Council

RETURN OF GENERAL ORDINANCE No. 93, 2002, AND ANNOUNCEMENT OF VETO

October 19, 2002

The Indiana state law that created the Consolidated City and unified city-county government in Indianapolis assigned various duties, responsibilities and powers to the Office of the Mayor, the City-County Council and other officials. Indiana Code §§ 36-3-4-14 and -16 give the mayor the authority to review ordinances passed by the council and either approve or veto the ordinance.

I have considered and always will consider this veto authority extremely carefully and use it only when necessary. In my nearly three years as mayor, I have exercised the veto authority only once before today.

In short, I will consider exercising veto authority when the council has passed a measure that infringes inappropriately on the power and duty of the mayor to carry out his or her executive functions, was passed hastily without time for due consideration of the complete consequences of the new law, violates federal or state constitutional or statutory law, or is manifestly inconsistent with good government or appropriate public policy.

General Ordinance No. 93, 2002, was passed by the council on October 7, 2002. The ordinance creates new boundaries for electoral districts for members of the Indianapolis-Marion County City-County Council. In other words, it creates new maps from which city-county councillors will be elected for the next 10 years.

The process of redistricting is at the very heart of American democracy and affects the most basic and sacred right of every citizen – the right to be represented in his or her government. Therefore, it must be carried out with the greatest of care, forethought and solemnity that our community has to offer.

In reviewing G.O. No. 93 and the circumstances surrounding its passage, it is clear this spirit was not honored. Accordingly, pursuant to IC §§ 36-3-4-14 and -16 and the authority vested thereunder in the Office of Mayor as executive of the City of Indianapolis and of Marion County, I hereby return G.O. No. 93 (attached hereto), to the council and announce that I veto such ordinance for the reasons that follow.

First, G.O. No. 93 is, in part, unlawful, in that it strips the authority of the mayor as chief executive of the city and the county to take official action in reviewing redistricting ordinances.

In the ordinance, the council took the unusual step of including special language, which provides that the ordinance becomes effective upon passage, regardless of whether the mayor has an opportunity to review it. Essentially, it implies that the council may take action in this matter without any check or balance and that

the mayor has no veto power over a redistricting ordinance. Moreover, the council intends to codify this language to make clear that a mayoral veto would be ineffective – in direct violation of state law.

At all levels of government, from federal to municipal, the concept of separation of powers is consistent and time-honored. It was designed to create a balance of power among the executive, legislative and judicial branches of government and to ensure that no one branch has unbridled power. One of the cornerstones of this concept is the authority of the executive branch to review and approve or disapprove legislation passed by the legislative branch.

This concept is exemplified in state law and in local practice.

State law divides the powers of a city between the mayor and its legislative body, or council, and prohibits each from exercising any power of the other. This includes the council's power to pass ordinances and the mayor's power to approve or veto all but a few, specifically identified ordinances. Redistricting ordinances are not among the identified exceptions. Therefore, every chief executive of every city in the state – including the mayor of Indianapolis – has veto power over redistricting ordinances.

Long-standing local practice also bears this out. The council's attempt to deprive the mayor of veto authority is unprecedented. There have been five previous redistricting ordinances passed by the council in the UniGov era – from 1970 to the present. All five have been presented to the mayor for approval, and each ordinance contained language acknowledging that the ordinance could not become legally effective without approval by the mayor. G.O. No. 93 represents the first time the council has attempted to remove the mayor from this process.

While G.O. No. 93 includes a signature block for the mayor and was transmitted to the mayor, the inclusion of the special language makes the mayor's signature, in the council's view, superfluous at best.

In short, the council has attempted to strip a clearly vested power from the mayor of the consolidated city. Since state law is clear that redistricting ordinances must be presented to the chief executive for signature or veto, it is equally clear that this ordinance is unlawful.

Second, G.O. No. 93 was not subjected to adequate public comment, input and participation.

Most ordinances are brought publicly before council committees for discussion and public input and then submitted to the full council for more discussion. This is done on virtually every piece of legislation so the citizens to whom city-county government belongs can have a clear indication of what issues and rights are at stake and have ample opportunity to comment.

The passage of this ordinance violated the spirit of public participation. The districts established by G. O. No. 93 were changed several times during the process of council consideration and after the time for public comment had ended. In fact, the final maps were altered on the very same night the ordinance was passed by the council.

Amending the ordinance after the time for public comment had expired might have been acceptable if there had been a proper and articulated reason, such as to respond to a particular public comment or criticism. In reviewing the amended maps, however, there is no apparent reason to have made the amendments so late in the process. Moreover, the council chose not to hold an additional public hearing that it had earlier made available in its redistricting procedures resolution, Council Resolution No. 65.

Nor did the majority members of the Rules and Public Policy Committee of the council explain the reasons for the wholesale changes in the maps when those changes were first proposed on the evening of September 17, 2002, even though the majority members required their colleagues in the minority to vote on the amendments just minutes after presenting them publicly.

For such an important issue – the basic right to be represented in city-county government – to be passed with so little public participation and council review over the final maps is not appropriate.

Third, the final maps passed in G.O. No. 93 do not comply with the statutory requirement that council districts be "compact."

IC § 36-3-4-3 requires council districts to be "compact," meaning they should be subject only to natural boundary lines such as railroads, major highways, rivers, creeks, parks and other major landmarks. This is done so districts are drawn logically, respect communities of interest and avoid emphasis on partisan political or unlawful considerations. Indeed, courts have long held that the compactness requirement is intended to prevent the practice of political gerrymandering.

G.O. No. 93 contains numerous examples of misshapen and sprawling districts for which there is no justification other than an effort to maximize the number of council districts held by one political party in gross disproportion to other political parties in Marion County.

Compactness can be measured using objective mathematical tests, as well as by simple visual observation. Under either method, the majority of the districts in G.O. No. 93 are less compact than those in other redistricting plans submitted to the council, and they are less compact than the districts from which the current council members were elected.

For these reasons, I hereby veto G.O. No. 93, 2002. Pursuant to IC § 36-3-4-14 and -16, I return the attached ordinance to the council with these reasons for my veto.

Respectfully,
s/Bart Peterson, Mayor

October 19, 2002

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Suellen Hart, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 105, 2002 - approves an increase of \$30,000 in the 2002 Budgets of the County Auditor and the Cooperative Extension Service (County Grants Fund) to fund the program assistant position for one year, funded by a grant from the Indiana State Lawn Care Association

FISCAL ORDINANCE NO. 106, 2002 - approves an appropriation of \$236,184 in the 2002 Budget of the Department of Parks and Recreation (Non-Lapsing Federal Grants Fund) to establish and continue after school youth programs at several IPS and Indy Park sites, financed by federal grants

FISCAL ORDINANCE NO. 114, 2002 - approves a transfer totaling \$40,000 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) to demolish the clubhouse at Smock Golf Course

SPECIAL RESOLUTION NO. 60, 2002 - concerns the September 20, 2002, tornadoes that hit sections of Indianapolis

SPECIAL RESOLUTION NO. 61, 2002 - designates White River Parkway, West Drive, from Washington Street to New York Street, including the New York Street Bridge, as the E.B. Kelley Memorial Parkway and Bridge

SPECIAL RESOLUTION NO. 62, 2002 - recognizes the 100th Anniversary of Tuxedo Park Baptist Church

SPECIAL RESOLUTION NO. 63, 2002 - recognizes NaKitta Parks-Turner

SPECIAL RESOLUTION NO. 64, 2002 - recognizes the Indianapolis Soap Box Derby Association and the Indianapolis Inner City Youth Racing League

SPECIAL RESOLUTION NO. 65, 2002 - authorizes the Department of Public Works, Office of Environmental Services, to apply for grant assistance from the Indiana Department of Environmental Management to continue the City's participation in the statewide Mercury Awareness Program as a regional hub site

Respectfully,
s/Bart Peterson, Mayor

Vice President Borst asked for consent to hear Proposal No. 540, 2002 at this time. Consent was given.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 540, 2002. The proposal, sponsored by all Councillors, recognizes the 40 years of Council service by Dr. Beurt R. SerVaas. Councillor Borst said that there are several people in attendance this evening to honor Dr. SerVaas on his final evening as President of the Council. He introduced Congresswoman Julia Carson.

Congresswoman Carson said that Dr. SerVaas has always provided strong leadership and she believes it is important to give honor to whom honor is due. She said that even though Dr. SerVaas serves a different political party, he has always been worthy of the highest regard and respect. He treats her and everyone he meets with respect and as a gentleman should and she wishes him well.

Mayor Bart Peterson said that Dr. SerVaas is above all a man who loves his city. Besides being a proud Republican, he has always treated all people with dignity and decency. He said that he admires Dr. SerVaas's endless intellectual curiosity and is inspired by his commitment to his wife and family. Mayor Peterson offered a proclamation in honor of Dr. SerVaas and thanked him for his friendship, example, and leadership.

Senator Larry Borst said that after Dr. SerVaas leaves office, he and Councillor Boyd will then share the honors of the most longevity in local public service. He said that Dr. SerVaas was one of the original members of the Commission for Higher Education, and this city is better off because of Dr. SerVaas's service as an elected official. He said that he has used his intellect and energy to benefit all of the citizens of Indianapolis.

Vice President Borst said that a video presentation has been prepared to honor Dr. SerVaas and will be airing on Channel 16 this week, and a portion of the video will be displayed this evening for Council meeting attendees.

Max Moser, Council Research Director, presented Dr. SerVaas with a framed photograph of the Council staff and expressed the staff's appreciation for his service.

Councillor Boyd read the proposal and he and Vice President Borst presented signage to designate the Public Assembly Room as the Dr. Beurt R. SerVaas Public Assembly Room.

President SerVaas said that many times the chamber has been filled with partisan views, but when all is said and done, these people are his friends. He said that back when he began on the Council, he saw cities falling apart, and wanted to keep that from happening to Indianapolis and wanted to re-build the city. He said that he saw Unigov as the future for this growing community and is happy to see so much that he has been involved in become successful. He thanked the Council and those in attendance this evening for their support over the years and said that he is leaving the Council and the City in good hands.

Vice President Borst moved, seconded by Councillor Boyd, for adoption. Proposal No. 540, 2002 was adopted by a unanimous voice vote.

Proposal No. 540, 2002 was retitled SPECIAL RESOLUTION NO. 68, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 68, 2002

A SPECIAL RESOLUTION recognizing the 40 years of Council service by Dr. Beurt R. SerVaas.

WHEREAS, a free nation rests upon the willingness of responsible citizens to actively participate in the governmental process, and City-County Council President, Dr. Beurt R. SerVaas represents the highest expression of citizenship participation; and

WHEREAS, an Honor Roll graduate of Shortridge High School, he served as a Navy officer in the Office of Strategic Services in the China Theater during W. W. II, and after the War returned home to become a successful businessman; and

WHEREAS, in his first bid for public office, Dr. SerVaas led the ticket in 1962 for County Council at-large, and at the end of the June 16, 1975 Council meeting he was elected President of the City-County Council to fill a vacancy; and

WHEREAS, much of the success of Indianapolis' Renaissance is due in large part to Dr. SerVaas' civility, ideas, ability to bring people together, and his bold visions; and

WHEREAS, Dr. SerVaas has given generously of his time and talents while on the Council during the past 40 years, and as Council President for the past 27 years; now, therefore:

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. The Indianapolis City-County Council, representing the citizens of this city, recognizes and thanks Dr. Beurt R. SerVaas for his four decades of outstanding and visionary public service on the Council.

SECTION 2. To this end, the Council declares that this meeting room in the City-County Building shall henceforth be named the Dr. Beurt R. SerVaas Public Assembly Room.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

ADOPTION OF THE AGENDA

President SerVaas proposed the adoption of the agenda as distributed.

Councillor McWhirter asked for consent to vote on Proposal No. 536, 2002, which is being introduced this evening, as a Committee of the Whole. She said that these appointments to Common Construction Wage Committees often need to be acted on quickly and this one is no exception. Consent was given. President SerVaas said that the proposal will be added for action under New Business.

Without further objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

President SerVaas called for additions or corrections to the Journal of October 7, 2002. There being no additions or corrections, the minutes were approved as distributed.

**PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND
COUNCIL RESOLUTIONS**

PROPOSAL NO. 509, 2002. The proposal, sponsored by Councillors Douglas and Gray, commends Washington Township Schools Superintendent Dr. Eugene G. White for his bold initiative to improve student achievement at North Central High School. Councillor Douglas read the proposal and presented Dr. White with a copy of the document and a Council pin. Councillor Gray applauded Dr. White for being willing to take risks for what is right. Dr. White commended Dr. SerVaas on his years of service and for being a great example to lead the City. He said that education is job one and every student can do better in school. He said that he cannot compromise this responsibility and he thanked the Council for supporting what he is trying to do. Councillor Gibson said that he is proud of Dr. White's efforts. Councillor Soards said that Dr. White was his principal, and he holds the esteem of all students, both black and white, and is a role model for all. President SerVaas said that Dr. White coaches his grandson's soccer team and he has great influence on young lives. He added that the City cries for young talented African-American boys who are not achieving and he supports Dr. White's efforts. Councillor Boyd said that some in the community were critical of Dr. White's efforts, and it took a lot of courage and vision and a commitment to education. Councillor Douglas moved, seconded by Councillor Gray, for adoption. Proposal No. 509, 2002 was adopted by a unanimous voice vote.

Proposal No. 509, 2002 was retitled SPECIAL RESOLUTION NO. 66, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 66, 2002

A SPECIAL RESOLUTION commending Washington Township Schools Superintendent Dr. Eugene G. White for his bold initiative to improve student achievement at North Central High School.

WHEREAS, like most other big city schools across the state and nation, North Central High School has a particular problem of low academic achievement by male African-American students; and

WHEREAS, on September 4, 2002, Dr. White took the unprecedented action of calling a special convocation for the school's African-American males and shared with them the alarming statistics that revealed that they as a group have more behavioral referrals, fights, arrests, suspensions, the lowest grade point average, the lowest state test scores, and the most athletic ineligibility rates of any other group of students at North Central; and

WHEREAS, Dr. White stressed that with strong dedication and a change of attitude and approach toward learning, the negative statistics he cited can be reversed, and gave examples of well known talented African-Americans who have worked hard and achieved nation-wide fame; and

WHEREAS, Dr. White stressed the value of getting a good education, the importance of parental involvement in the educational process, gave examples of what parents and students can do to improve academic achievement, and encouraged them to take advantage of the resources available to them; and

WHEREAS, Dr. White did acknowledge that North Central High School African males perform better than the average group of African Males in the state, but being the best of the lowest performing group is not good enough, and that they are capable of much more; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council is concerned that all students should try to reach their maximum potential, take full advantage of their school years, and become contributing, productive citizens in our society.

SECTION 2. The Council commends Dr. White for his bold and straightforward message that a considerable amount of human talent is being wasted that could otherwise be brought to bear in sports, the arts, science, medicine, business, education, families, and other worthwhile pursuits.

SECTION 3. The essence of Dr. White's message needs to be sounded in other schools, and it is hoped that his actions in calling attention to a growing problem will cause other educators to take the steps necessary to reverse this alarming trend, which is getting progressively worse.

SECTION 4. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 539, 2002. The proposal, sponsored by Councillors Nytes and Soards, concerns the "One Book, One City - Indy's Choice" program. Councillor Nytes read the proposal and presented Chris Cairo, director of Development and Programming for the Indianapolis-Marion County Public Library, with a copy of the document and Council pin. Ms. Cairo thanked the Council for the recognition, and said that the City has received 1,835 recommendations so far and will announce the final book in December. Councillor Soards encouraged all Council members to recommend a book. Councillor Nytes said that the committee will select 25 finalists and then the City will vote again for a final book suggestion for the whole city to read. Councillor Nytes moved, seconded by Councillor Soards, for adoption. Proposal No. 539, 2002 was adopted by a unanimous voice vote.

Proposal No. 539, 2002 was retitled SPECIAL RESOLUTION NO. 67, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 67, 2002

A SPECIAL RESOLUTION concerning the "One Book, One City – Indy's Choice" program.

Whereas, the City of Indianapolis and the Indianapolis-Marion County Public Library are sponsoring the "One Book, One City – Indy's Choice" program, under which all citizens are encouraged to read a book to be selected from among those recommended by City residents online (<http://onebook.imcpl.org>), at all Indianapolis – Marion County Library branches, and at selected area bookstores, cafés, coffee shops and other locations; and

Whereas, the purpose of the "One Book, One City – Indy's Choice" program is to promote reading and to inspire interesting conversations, all to the betterment of our citizens and community; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis and Marion County Council hereby recognizes the value of the "One Book, One City – Indy's Choice" program and commends the Mayor of Indianapolis and the Indianapolis-Marion County Public Library for their leadership in this important cultural endeavor, and further encourages all citizens to participate in the program.

SECTION 2. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 436, 2002. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 436, 2002 on October 15, 2002. The proposal, sponsored by Councillor McWhirter, appoints Dollyne Sherman to the Cable Franchise Board. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor McWhirter moved, seconded by Councillor Cockrum, for adoption. Proposal No. 436, 2002 was adopted by a unanimous voice vote.

Proposal No. 436, 2002 was retitled COUNCIL RESOLUTION NO. 81, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 81, 2002

A COUNCIL RESOLUTION appointing Dollyne Sherman to the Cable Franchise Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Cable Franchise Board, the Council appoints:

Dollyne Sherman

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 524, 2002. Introduced by Councillors Langsford and Nytes. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$175,000 in the 2002 Budget of the Department of Administration, Fleet Services Division (Consolidated

County Fund) to cover costs for an upgrade of the Fleet Management System (M5) which will streamline workflow processes and improve responsiveness"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 525, 2002. Introduced by Councillors Smith and Douglas. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$365,000 in the 2002 Budget of the Department of Metropolitan Development (Federal Grants and Non-Lapsing State Grants Funds) to fund engineering costs for the clay cap for the Special Soils Area of the Keystone Enterprise Park as well as Phase II environmental assessment costs for the same area, financed by federal and state grants (Brownfield Economic Development Initiative and Indiana Development Finance Authority)"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 526, 2002. Introduced by Councillors Smith and Nytes. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which approves the amounts, locations, and programmatic operation of certain projects to be funded from Community Development Grant Funds for 2003"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 527, 2002. Introduced by Councillors Smith and Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which changes the name and duties of the division of community development and financial services; changes the duties of the division of administrative services of the department of metropolitan development, and repeals provisions regarding the urban homesteading program"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 528, 2002. Introduced by Councillors Dowden and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Police Special Service District Fiscal Ordinance which approves an appropriation of \$974,726 in the 2002 Budget of the Department of Public Safety, Police Division (Non-Lapsing Federal Grants and Federal Grants Funds) to support police relationships in the Eagledale neighborhood; to fund two civilian full-time positions within IPD's Victim Assistance Unit; to participate in the "Creating a Culture of Integrity Initiative - Use of Force Policy and Training"; to purchase a wireless hub system for connection to the IPD network, in-car video cameras for the Drug Interdiction Unit, and laptop computers for Academy recruit training; to fund the Domestic Violence Network Navigational Hub; and to fund the "Healthy Reasons to Say No," financed by federal grants"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 529, 2002. Introduced by Councillors Dowden and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fire Special Service District Fiscal Ordinance which approves an increase of \$491,230 in the 2002 Budget of the Department of Public Safety, Fire Division (Non-Lapsing Federal Grants Fund) to purchase new fitness equipment, to train nine firefighters for a peer fitness program for mentoring local firefighters, and to deliver the FitKids program to area schools, financed by a federal grant (Federal Emergency Management Agency) (Matching funds of \$210,257 have been appropriated in the Department of Public Safety, Fire Division's 2003 budget)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 530, 2002. Introduced by Councillors Dowden, Talley, and Douglas. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$461,000 in the 2002 Budget of the Office of the Controller (Consolidated County General

Fund) to cover the cost of up to 98 jail beds from September through December, financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 531, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$25,000 in the 2002 Budget of the Forensic Services Agency (County General Fund) to allow payment of unanticipated expense in character three"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 532, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$47,000 in the 2002 Budget of the Marion County Superior Court (County General Fund) to fund safety improvements for jury boxes and witness chairs in center tower courts"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 533, 2002. Introduced by Councillors Coughenour and Knox. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$4,236,000 in the 2002 Budget of the Department of Public Works, Engineering Division (Redevelopment District Capital Projects Fund and Transportation General Fund) to provide the local match and inspection fees for several projects, financed by fund balances"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 534, 2002. Introduced by Councillors Coughenour and Knox. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$80,000 in the 2002 Budget of the Department of Public Works, Engineering Division (Transportation General Fund) to study four intersections for potential operational and safety improvements, financed by a grant from State Farm Insurance Company"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 535, 2002. Introduced by Councillors Smith and Soards. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Revised Code exempting churches from the stormwater user fee"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 537, 2002. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the proposed refinancing of portions of Consolidated Redevelopment Area debt"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 538, 2002. Introduced by Councillors Nytes and McWhirter. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the issuance of TIF bonds to repay 2001 BAN for Fall Creek Place (Home Ownership Zone)"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 541, 2002. Introduced by Councillors Dowden and Borst. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Judy Singleton to the Animal Care and Control Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 542, 2002, PROPOSAL NOS. 543-546, 2002, and PROPOSAL NOS. 547-555, 2002. Introduced by Councillor Smith. Proposal No. 542, 2002, Proposal Nos. 543-546, 2002, and Proposal Nos. 547-555, 2002 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on October 25, 2002. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 136-149, 2002, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 136, 2002.

2002-ZON-091

900 WEST 30TH STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 9

BARNES UNITED METHODIST CHURCH requests a rezoning of 0.8797 acre, being in the C-3 and D-5 Districts, to the SU-1 classification to legally establish religious uses.

REZONING ORDINANCE NO. 137, 2002.

2002-ZON-093 (2002-DP-007)

8611, 8621, 8625, 8633, and 8651 NORTH MERIDIAN STREET, and 48 EAST 86TH STREET (approximate addresses), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 3.

REPUBLIC DEVELOPMENT, LLC., by Zeff A. Weiss, requests a rezoning of 4.05 acres, being in the D-2 District, to the D-P classification to provide for multi-family residential development, resulting in 13.89 units per acre.

REZONING ORDINANCE NO. 138, 2002.

2002-ZON-125

3000 WEST WASHINGTON STREET (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 16

HOOSIER VETERANS ASSISTANCE FOUNDATION requests a rezoning of 6.82 acres, being in the HD-1 District, to the HD-2 classification to provide for a veterans assisted living facility.

REZONING ORDINANCE NO. 139, 2002.

2002-ZON-130

3402 NORTH ARLINGTON AVENUE (approximate addresses), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 10

SYLVIA TROTTER requests a rezoning of 0.24 acre, being in the I-3-U District, to the C-3 classification to provide for neighborhood commercial uses.

REZONING ORDINANCE NO. 140, 2002.

2002-ZON-131

4630 WEST 71ST STREET (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1

PATRICIA DEWALD requests a rezoning of 0.11 acre, being in the D-3 District, to the C-1 classification to provide for general office use.

REZONING ORDINANCE NO. 141, 2002.

2002-ZON-077

2304 NORTH CUMBERLAND ROAD (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 12

THE BRADFORD GROUP, INC., by Stephen D. Mears, requests a rezoning of 40 acres, being in the D-A District, to the D-3 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 142, 2002.

2002-ZON-078

2304 NORTH CUMBERLAND ROAD (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 12

THE BRADFORD GROUP, INC., by Stephen D. Mears, requests a rezoning of 32 acres, being in the D-A District, to the D-3 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 143, 2002.

2002-ZON-832 (Amended)

8727,8737 and 8747 HOLLIDAY DRIVE (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT #3

ST. LUKE'S UNITED METHODIST CHURCH, by Philip A. Nicely, requests a rezoning of 1.377 acres, being in the D-2 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 144, 2002.

2002-ZON-115 (2002-DP-010)

9555 EAST EDGEWOOD AVENUE (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23

DEAN COUGILL, by David A. Retherford, requests a rezoning of 22.1 acres, being in the D-A (FF) District, to the D-P (FF) classification to provide for single-family residential development, resulting in 0.41 units per acre..

REZONING ORDINANCE NO. 145, 2002.

2002-ZON-097

3444 WEST 71ST STREET (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 2

GREATER NEW HOPE CHURCH, by Mary E. Solada, requests a rezoning of 4.2 acres, being in the D-1 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 146, 2002.

2002-ZON-104

10023 EAST 42ND STREET (approximate address), INDIANAPOLIS.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 14

CHILDREN'S BUREAU OF INDIANAPOLIS.. by David Kingen, requests a rezoning of 0.71 acres, being in the D-7 District, to the C-3 classification to provide for neighborhood commercial development.

REZONING ORDINANCE NO. 147, 2002.

2002-ZON-121

6212 PARLIAMENT DRIVE (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 4

PETER SCOTT, by Joseph D. Calderon, requests a rezoning of 1.55 acres, being in the D-A District, to the C-S classification to provide for limited commercial (C-1), industrial (I-1-S and I-2-S), and residential uses (D-7).

REZONING ORDINANCE NO. 148, 2002.

2002-ZON-134

5536 BROOKVILLE ROAD (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13

LIGHT-CRETE PRODUCTS AND SERVICES INC., by Ronald A. Wright, requests a rezoning of 1.00 acre, being in the C-1, C-5 and D-5 District, to the C-5 classification to provide for commercial development.

REZONING ORDINANCE NO. 149, 2002.

2002-ZON-135

5302, 5310 and 5328 WEST 10TH STREET (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 8

INSIGHT ENGINEERING requests a rezoning of 1.04 acres, being in the D-2 and C-3 Districts, to the C-3 classification to provide for a convenience store / gasoline station.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 450, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 450, 2002 on September 18, 2002. The proposal was

postponed in Council on October 7, 2002 due to re-advertisement requirements. The proposal, sponsored by Councillor Dowden, approves an increase of \$40,000 in the 2002 Budget of the Marion County Superior Court (County Grants Fund) to pay for exterior improvements to the Community Court building, funded by the Department of Metropolitan Development's Community Enhancement Funds. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:37 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal No. 450, 2002 was adopted on the following roll call vote; viz:

25 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty, Adams, Sanders, Schneider, SerVaas, Short, Smith, Tilford
 0 NAYS:
 4 NOT VOTING: Bradford, Nytes, Soards, Talley

Proposal No. 450, 2002 was retitled FISCAL ORDINANCE NO. 116, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 116, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97 2001) appropriating an additional Forty Thousand Dollars (\$40,000) in the County Grants Fund for purposes of the Marion County Superior Court and reducing the unappropriated and unencumbered balance in the County Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
 CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (g) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court to pay for exterior improvements to the Community Court building.

SECTION 2. The sum of Forty Thousand Dollars (\$40,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SUPERIOR COURT</u>	<u>COUNTY GRANTS FUND</u>
3. Other Services and Charges	<u>40,000</u>
TOTAL INCREASE	40,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>COUNTY GRANTS FUND</u>
Unappropriated and Unencumbered	
County Grants Fund	<u>40,000</u>
TOTAL REDUCTION	40,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 453-455, 2002 on October 9, 2002. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 453, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$2,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) for the purchase of supplies for two children's programs, funded by a grant from Alliance with Indiana. PROPOSAL NO. 454, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$70,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (Guardian Ad Litem Fund) to increase funding to Child Advocates, Inc., funded by revenue received from the State of Indiana. PROPOSAL NO. 455, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$50,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (Juvenile Probation Fees Fund) to remodel the Juvenile Probation office, financed by fund balances. By 8-0, 7-1, and 8-0 votes respectively, the Committee reported the proposals to the Council with the recommendation that they do pass.

President SerVaas called for public testimony at 8:40 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal Nos. 453-455, 2002 were adopted on the following roll call vote; viz:

28 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Talley, Tilford

0 NAYS:

1 NOT VOTING: Soards

Proposal No. 453, 2002 was retitled FISCAL ORDINANCE NO. 117, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 117, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Two Thousand Dollars (\$2,000) in the State and Federal Grants Fund for purposes of the Marion County Superior Court, Juvenile Division, and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (j) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court, Juvenile Division, for the purchase of supplies for two children's programs.

SECTION 2. The sum of Two Thousand Dollars (\$2,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

MARION COUNTY SUPERIOR COURT
JUVENILE DIVISION

2. Supplies
TOTAL INCREASE

STATE AND FEDERAL GRANTS FUND

2,000
2,000

SECTION 4. The said additional appropriation is funded by the following reductions:

<u>STATE AND FEDERAL GRANTS FUND</u>	
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>2,000</u>
TOTAL REDUCTION	2,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 454, 2002 was retitled FISCAL ORDINANCE NO. 118, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 118, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Seventy Thousand Dollars (\$70,000) in the Guardian Ad Litem Fund for purposes of the Marion County Superior Court, Juvenile Division, and reducing the unappropriated and unencumbered balance in the Guardian Ad Litem Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(j) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court, Juvenile Division, to increase funding to Child Advocates, Inc.

SECTION 2. The sum of Seventy Thousand Dollars (\$70,000)) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SUPERIOR COURT</u>	<u>GUARDIAN AD LITEM FUND</u>
<u>JUVENILE DIVISION</u>	
3. Other Services and Charges	<u>70,000</u>
TOTAL INCREASE	70,000

SECTION 4. The said additional appropriation is funded by the following reductions:

<u>GUARDIAN AD LITEM FUND</u>	
Unappropriated and Unencumbered	
Guardian Ad Litem Fund	<u>70,000</u>
TOTAL REDUCTION	70,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 455, 2002 was retitled FISCAL ORDINANCE NO. 119, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 119, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Fifty Thousand Dollars (\$50,000) in the Juvenile Probation Fees Fund for purposes of the Marion County Superior Court, Juvenile Division, and reducing the unappropriated and unencumbered balance in the Juvenile Probation Fees Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(j) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court, Juvenile Division, to remodel the Juvenile Probation Office.

SECTION 2. The sum of Fifty Thousand Dollars (\$50,000)) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SUPERIOR COURT</u>	
<u>JUVENILE DIVISION</u>	<u>JUVENILE PROBATION FEES FUND</u>
3. Other Services and Charges	25,000
4. Capital Outlay	<u>25,000</u>
TOTAL INCREASE	50,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>JUVENILE PROBATION FEES FUND</u>
Unappropriated and Unencumbered	
Juvenile Probation Fees Fund	<u>50,000</u>
TOTAL REDUCTION	50,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 486, 2002. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 486, 2002 on October 14, 2002. The proposal, sponsored by Councillor Douglas, approves the issuance of "City of Indianapolis, Indiana, Redevelopment District Annual Appropriation Revenue Bonds of 2002," in an original aggregate issued amount not to exceed Five Million Dollars to complete necessary improvements in the 82 acre Martindale Brightwood Industrial Development Area/Keystone Enterprise Park located at I-70 and Keystone Avenue. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:42 p.m. There being no one present to testify, Councillor Smith moved, seconded by Councillor Douglas, for adoption. Proposal No. 486, 2002 was adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty, Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Talley, Tilford
0 NAYS:
2 NOT VOTING: Coughenour, Soards

Proposal No. 486, 2002 was retitled GENERAL RESOLUTION NO. 11 2002, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 11, 2002

A GENERAL RESOLUTION approving the issuance of "City of Indianapolis, Indiana, Redevelopment District Annual Appropriation Revenue Bonds of 2002," in an original aggregate issued amount not to exceed Five Million Dollars (\$5,000,000).

WHEREAS, on October 2, 2002, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana ("Commission"), being

the governing body of the Redevelopment District of the City of Indianapolis, Indiana ("District"), adopted a Bond Resolution (Resolution No. 2002-B-023) ("Bond Resolution") authorizing the issuance of bonds of the District, in one or more series, payable solely from annual appropriations by the City-County Council of the City of Indianapolis and of Marion County, Indiana ("Annual Appropriations") of the Cumulative Capital Funds of the City of Indianapolis and of Marion County, Indiana ("CCF Revenues"), pledged for the purposes as provided in Indiana Code 36-7-15.1-17(h) ("Bonds"), for the purpose of procuring funds to be applied to the cost of all or a portion of the projects specified in Exhibit A attached hereto ("Project"), funding a debt service reserve and capitalized interest, together with the expenses in connection with or on account of the issuance of the Bonds authorized therein (collectively, "Project Costs"), in an aggregate original issued amount not to exceed \$5,000,000; and

WHEREAS, the Commission has requested the approval of the City-County Council of the City of Indianapolis and of Marion County, Indiana ("City-County Council"), for the issuance of the Bonds pursuant to Indiana Code 36-3-5-8, and the City-County Council now finds that the issuance of the Bonds should be approved; now, therefore;

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council does hereby approve (i) the Bond Resolution, and (ii) the issuance of bonds of the Redevelopment District, in one or more series, to be designated as "City of Indianapolis, Indiana, Redevelopment District Annual Appropriation Revenue Bonds of 2002," in an aggregate principal amount not to exceed Five Million Dollars (\$5,000,000).

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with Indiana Code 36-3-4-14, 36-3-4-15 and 36-6-4-16.

EXHIBIT A

In 1999, the City of Indianapolis through the Department of Metropolitan Development created the Martindale - Brightwood Industrial Development area in anticipation of the Keystone Enterprise Park. It was the vision of the administration at the time to clear blight in the near northeast side neighborhood, bring new jobs to the community and attract retail businesses to serve the park and residents of the area.

The area bounded by 24th Street to the north, I-70 to the South, Keystone Way to the east, and Hillside to the west was formerly an illegal dumping ground. The years of misuse as a landfill have caused environmental conditions that must be remediated prior to development. The Department of Metropolitan Development with the Department of Public Works is responsible for the environmental remediation and construction of infrastructure improvements in the park. The Department of Metropolitan Development is also responsible for land acquisition and relocation of residents. The estimated public investment in the project is \$18 million.

PROPOSAL NO. 487, 2002. Councillor Cockrum reported that the Parks and Recreation Committee heard Proposal No. 487, 2002 on October 10, 2002. The proposal, sponsored by Councillors Cockrum and Douglas, approves an increase of \$575,000 in the 2002 Budget of the Department of Parks and Recreation (Transportation General Fund) to pay for the collection and removal of trees and related debris from public rights-of-way resulting from the tornadoes of September 20, 2002, financed by fund balances. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Talley asked if any of this money will go towards replacing any of the trees lost. Councillor Cockrum said that this amount only addresses the removal of trees and clean-up.

President SerVaas called for public testimony at 8:46 p.m. There being no one present to testify, Councillor Cockrum moved, seconded by Councillor Douglas, for adoption. Proposal No. 487, 2002 was adopted on the following roll call vote; viz:

26 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Langsford, Massie, McWhirter, Moriarty Adams, Nyles, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley

0 NAYS:

3 NOT VOTING: Horseman, Knox, Tilford

Proposal No. 487, 2002 was retitled FISCAL ORDINANCE NO. 120, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 120, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating an additional Five Hundred Seventy-five Thousand Dollars (\$575,000) in the Transportation General Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Transportation General Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(l) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to pay for the collection and removal of trees and related debris from public rights-of-way resulting from the tornadoes of September 20, 2002.

SECTION 2. The sum of Five Hundred Seventy-five Thousand Dollars (\$575,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>TRANSPORTATION GENERAL FUND</u>
3. Other Services and Charges	<u>575,000</u>
TOTAL INCREASE	575,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>TRANSPORTATION GENERAL FUND</u>
Unappropriated and Unencumbered	
Transportation General Fund	<u>575,000</u>
TOTAL DECREASE	575,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 488, 2002. Councillor Cockrum reported that the Parks and Recreation Committee heard Proposal No. 488, 2002 on October 10, 2002. The proposal, sponsored by Councillors Cockrum and Gray, approves an increase of \$168,750 in the 2002 Budget of the Department of Parks and Recreation (City Cumulative Capital Development Fund) to fund the DPR portion of payment for Cottonwood Lakes at approximately 8900 South Mann Road, as well as complete the purchase of the Mann Property, making Southwestway Park the second largest park in Marion County, financed by fund balances. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:47 p.m. There being no one present to testify, Councillor Cockrum moved, seconded by Councillor Gray, for adoption. Proposal No. 488, 2002 was adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards
0 NAYS:
2 NOT VOTING: Talley, Tilford

Proposal No. 488, 2002 was retitled FISCAL ORDINANCE NO. 121, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 121, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating an additional One Hundred Sixty-eight Thousand Seven Hundred and Fifty Dollars (\$168,750) in the City Cumulative Capital Development Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the City Cumulative Capital Development Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(l) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to fund the DPR portion of payment for Cottonwood Lakes at approximately 8900 South Mann Road, as well as complete the purchase of the Mann Property, making Southwestway Park the second largest park in Marion County.

SECTION 2. The sum of One Hundred Sixty-eight Thousand Seven Hundred and Fifty Dollars (\$168,750) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
4. Capital Outlay	168,750
TOTAL INCREASE	168,750

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
Unappropriated and Unencumbered	
City Cumulative Capital Development Fund	168,750
TOTAL DECREASE	168,750

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 489-493 and 495, 2002 on October 9, 2002. He asked for consent to vote on Proposal Nos. 489-492 and 495, 2002 together. Consent was given.

PROPOSAL NO. 489, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$175,000 in the 2002 Budget of the County Sheriff (State and Federal Grants Fund) for expenses related to the Local Law Enforcement Block Grant # 6, funded by grant from the Bureau of Justice Programs. PROPOSAL NO. 490, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$125,000 in the 2002 Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) to cover the expenses of the Multi-Agency Law Enforcement Fatal Crash Team, funded by grant from the Governor's Council on

Impaired and Dangerous Driving and the National Highway Traffic Safety Administration. PROPOSAL NO. 491, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$11,135 in the 2002 Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) to cover the expenses of the Fathers That Work Program, funded by a grant from the State of Indiana. PROPOSAL NO. 492, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$50,000 in the 2002 Budgets of the County Auditor and the Marion County Superior Court (State and Federal Grants Fund) to cover expenses related to the Local Law Enforcement Block Grant # 6, funded by grant from the Bureau of Justice Programs. PROPOSAL NO. 495, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$1,070,567 in the 2002 Budgets of the County Auditor and the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to appropriate the Juvenile Accountability Incentive Block Grant #4 from the Indiana Criminal Justice Institute (Local match of \$20,968 is funded by existing appropriations in the Marion County Justice Agency and Marion County Superior Court). By unanimous votes, the Committee reported Proposal Nos. 489-491 and 495, 2002 to the Council with the recommendation that they do pass and Proposal No. 492, 2002 to the Council with the recommendation that it do pass as amended.

President SerVaas called for public testimony at 8:54 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal Nos. 489-491 and 495, 2002 and Proposal No. 492, 2002, as amended, were adopted on the following roll call vote; viz:

28 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford
0 NAYS:
1 NOT VOTING: Nytes

Proposal No. 489, 2002 was retitled FISCAL ORDINANCE NO. 122, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 122, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional One Hundred Seventy-five Thousand Dollars (\$175,000) in the State and Federal Grants Fund for purposes of the County Sheriff and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Sheriff to continue the crime prevention programs and publications to support Block Grant # 6.

SECTION 2. The sum of One Hundred Seventy-five Thousand Dollars (\$175,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

COUNTY SHERIFF

3. Other Services and Charges
TOTAL INCREASE

STATE AND FEDERAL GRANTS FUND

175,000
175,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>175,000</u>
TOTAL REDUCTION	175,000

SECTION 5. Matching funds are furnished from the current budget of the Indianapolis Police Department.

SECTION 6. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 490, 2002 was retitled FISCAL ORDINANCE NO. 123, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 123, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional One Hundred Twenty-five Thousand Dollars (\$125,000) in the State and Federal Grants Fund for purposes of the County Auditor and the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and the Prosecuting Attorney to cover the expenses of the Multi-Agency Law Enforcement Fatal Crash Team.

SECTION 2. The sum of One Hundred Twenty-five Thousand Dollars (\$125,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - fringes	9,523
<u>PROSECUTING ATTORNEY</u>	
1. Personal Services	53,455
2. Supplies	17,232
3. Other Services and Charges	40,790
4. Capital Outlay	<u>4,000</u>
TOTAL INCREASE	125,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>125,000</u>
TOTAL REDUCTION	125,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or

project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 491, 2002 was retitled FISCAL ORDINANCE NO. 124, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 124, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Eleven Thousand One Hundred Thirty-five Dollars (\$11,135) in the State and Federal Grants Fund for purposes of the Marion County Prosecutor and County Auditor reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and the Prosecuting Attorney to cover the personnel cost in the Fathers That Work Program.

SECTION 2. The sum of Eleven Thousand One Hundred Thirty-five Dollars (\$11,135) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - fringes	1,894
 <u>PROSECUTING ATTORNEY</u>	
1. Personal Services	9,241
TOTAL INCREASE	11,135

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	11,135
TOTAL REDUCTION	11,135

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 492, 2002, as amended, was retitled FISCAL ORDINANCE NO. 125, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 125, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97 2001) appropriating an additional Fifty Thousand Dollars (\$50,000) in the State and Federal Grants Fund for purposes of the County Auditor and the Marion County Superior Court and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court to cover expenses related to the Local Law Enforcement Block Grant # 6.

SECTION 2. The sum of Fifty Thousand Dollars (\$50,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - fringes	10,000
<u>MARION COUNTY SUPERIOR COURT</u>	
1. Personal Services	40,000
TOTAL INCREASE	50,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	50,000
TOTAL REDUCTION	50,000

SECTION 5. Matching funds are furnished from the current budget of the Indianapolis Police Department.

SECTION 6. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 495, 2002 was retitled FISCAL ORDINANCE NO. 126, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 126, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional One Million Seventy Thousand Five Hundred Sixty-seven Dollars (\$1,070,567) in the State and Federal Grants Fund for purposes of the County Auditor and the Marion County Superior Court, Juvenile Division, and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and the Marion County Superior Court, Juvenile Division to appropriate the Juvenile Accountability Incentive Block Grant #4.

SECTION 2. The sum of One Million Seventy Thousand Five Hundred Sixty-seven Dollars (\$1,070,567) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services-fringes	81,481
<u>MARION COUNTY SUPERIOR COURT, JUVENILE DIVISION</u>	
1. Personal Services	345,428
2. Supplies	17,141
3. Other Services and Charges	<u>626,517</u>
TOTAL INCREASE	1,070,567

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>1,070,567</u>
TOTAL REDUCTION	1,070,567

SECTION 5. The local match of \$20,968 is funded by the following existing appropriations in the Marion County Justice Agency and Marion County Superior Court:

Existing appropriation for the Marion County Justice Agency:

	<u>DRUG FREE FUND</u>
3. Other Services and Charges	2,554

Existing appropriation for the Marion County Superior Court:

	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	<u>18,414</u>
TOTAL MATCH	20,968

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 493, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 493, 2002 on October 9, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$6,849 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (Guardian Ad Litem Fund) to cover expenses related to Child Advocates, Inc., funded by a grant from the State of Indiana. Councillor Dowden moved, seconded by Councillor Talley, to strike. Proposal No. 493, 2002 was stricken by a unanimous voice vote.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 341, 2002. Councillor Massie reported that the Rules and Public Policy Committee heard Proposal No. 341, 2002 on August 6, September 17, and October 8, 2002. The proposal, sponsored by Councillor Nytes, requires that proposals for fiscal ordinances, other than those funded by a grant with no matching funds, must include both the previous year's closing fund balance and a projection of the current year's ending fund balance. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Nytes said that the enthusiastic support of the Committee is an indication that the Council is concerned with being mindful of government funds. Councillor Massie moved, seconded by Councillor Nytes, for adoption. Proposal No. 341, 2002 was adopted on the following roll call vote; viz:

28 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Talley, Tilford

0 NAYS:

1 NOT VOTING: Soards

Proposal No. 341, 2002 was retitled GENERAL ORDINANCE NO. 94, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 94, 2002

PROPOSAL FOR A GENERAL ORDINANCE to amend the "Revised Code of the Consolidated City and County" by adding requirements for proposals for certain fiscal ordinances.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 151-64 of the "Revised Code of the Consolidated City and County" regarding fiscal ordinances hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 151-64. Fiscal ordinances.

(a) No proposal for a fiscal ordinance shall be initiated unless approved by the proper fiscal officer of the city or county or unless that officer has been notified by the clerk of its receipt at least seven (7) days before introduction. Any proposal for a fiscal ordinance appropriating or transferring funds shall not be approved for introduction if any of the financial data or reports required by this Code are delinquent as to a fund which is the subject of such proposal.

(b) No proposal for a fiscal ordinance of the city or county shall be initiated unless the proposal includes (with respect to each fund from which an additional appropriation is proposed) the previous year's closing fund balance and a projection of the current year's ending fund balance if the proposal were to be adopted; however, this subsection shall not apply to a proposal for a fiscal ordinance funded by a grant that requires no matching funds.

~~(b)(c)~~ Any proposal for a fiscal ordinance (except the annual budgets) which appropriates the proceeds of any state, federal or private grant shall include substantially the following language:

Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor or controller, are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

~~(c)(d)~~ The digest of any proposal for a fiscal ordinance shall identify the fund appropriated including a statement of the revenue source for the appropriation.

~~(d)(e)~~ When a request for an additional appropriation from unappropriated funds is submitted to the council by any city-county agency (including a court), the chief financial officer of the city-county council or his/her designee shall review the policies and expenditures of the requesting agency and may submit a report to the appropriate council committee containing a recommendation with regard to the additional appropriation.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the

invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 425, 2002. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 425, 2002 on October 15, 2002. The proposal, sponsored by Councillor Dowden, determines the need to lease office space at 251 East Ohio Street for use by the County Prosecutor's office. By a 5-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Horseman said that she will be voting against this proposal because she believes such a decision should be left up to the next elected Prosecutor. President SerVaas said that he believes either candidate would be well-served with such a consolidation. Councillor Talley agreed and said that space needs are critical and Prosecutor Scott Newman has clearly made his case. Councillor Conley also agreed and said that the newly elected Prosecutor can only benefit from such a decision.

Councillor Gray said that with the government outgrowing the building, maybe the city should think about using the \$10 million they are considering giving the Indianapolis Colts to build a new government center instead.

Councillor McWhirter moved, seconded by Councillor Talley, for adoption. Proposal No. 425, 2002 was adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford
2 NAYS: Horseman, Sanders

Proposal No. 425, 2002 was retitled SPECIAL RESOLUTION NO. 69, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 69, 2002

PROPOSAL FOR A SPECIAL RESOLUTION determining the need to lease approximately 70,200 square feet of office space at 251 East Ohio Street, Indianapolis, Indiana, for the use of the office of the Marion County Prosecutor.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council, pursuant to IC 36-1-10-7, has investigated the conditions requiring the subject lease and hereby determines the lease of office space for the use of the Office of the Marion County Prosecutor, is necessary.

SECTION 2. The property to be leased is located at 251 East Ohio Street, Indianapolis, Indiana, and is owned by the State of Michigan, Department of Treasury for Pension Fund of Firefighters and Police.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 484, 2002. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 484, 2002 on October 15, 2002. The proposal, sponsored by Councillors McWhirter and Talley, codifies the salaries of elected and appointed officials and

fixes the salaries of county employees for calendar year 2003. By a 5-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Nytes said that she will abstain to avoid the appearance of a conflict of interest.

Councillor McWhirter moved, seconded by Councillor Soards, for adoption. Proposal No. 484, 2002 was adopted on the following roll call vote; viz:

22 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gray, Horseman, Knox, Massie, McWhirter, Moriarty
Adams, Sanders, SerVaas, Soards, Tilford
2 NAYS: Schneider, Smith
5 NOT VOTING: Gibson, Langsford, Nytes, Short, Talley

Proposal No. 484, 2002 was retitled GENERAL ORDINANCE NO. 95, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 95, 2002

A PROPOSAL FOR A GENERAL ORDINANCE amending Chapter 192 of the Revised Code codifying the salaries of elected and appointed officials for the calendar year 2003, and fixing the salaries of employees of Marion County.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Sec. 192-103 of the "Revised Code of the Consolidated City and County" be, and is hereby amended by deleting the language stricken through and adding the language underlined to read as follows:

ARTICLE V. SALARIES OF ELECTED OFFICIALS

Sec. 192-103. Elected County Officers. The compensation of the various county elected officers are fixed pursuant to IC 36-3-6-2 for the calendar year 2002 and thereafter until modified in accordance with Article III of this Chapter, as:

(b)(a) Effective January 1, 2002, the annual compensation of the elected county officers for the calendar year 2002 ~~and thereafter until modified~~ shall be as follows:

(1) an annual salary of:

a. County assessor	\$63,750
b. County auditor	\$68,000
c. County clerk	\$68,000
d. County coroner	\$34,950
e. County recorder	\$63,750
f. County surveyor	\$52,439
g. County treasurer	\$68,000
h. Center Township assessor	\$63,750
i. Decatur Township assessor	\$53,360
j. Franklin Township assessor	\$53,360
k. Lawrence Township assessor	\$59,027
l. Perry Township assessor	\$59,027
m. Pike Township assessor	\$59,027
n. Warren Township assessor	\$59,027
o. Washington Township assessor	\$62,805
p. Wayne Township assessor	\$62,805

(2) and a deferred compensation plan funded by contributions equaling eight percent (8%) of the officer's annual salary.

- (3) The county assessor, county auditor and county treasurer, as ex-officio county commissioners, in addition to other compensation may be provided the use of an automobile.
- (4) The salary for the county sheriff shall be fifty-one thousand three hundred twelve dollars (\$51,312), which shall be increased to one hundred one thousand three hundred twelve dollars (\$101,312) per annum if the sheriff has entered into a salary contract pursuant to either an applicable ordinance or IC 36-2-13-2.5
- (5) All elected county officers shall be entitled to participate in other employee benefits on the same basis as other county employees.

(b) Effective January 1, 2003, the annual compensation of the elected county officers for the calendar year 2003 and thereafter until modified shall be as follows:

(1) an annual salary of:

a. <u>County assessor</u>	<u>\$65,278</u>
b. <u>County auditor</u>	<u>\$70,833</u>
c. <u>County clerk</u>	<u>\$70,833</u>
d. <u>County coroner</u>	<u>\$35,649</u>
e. <u>County recorder</u>	<u>\$65,278</u>
f. <u>County surveyor</u>	<u>\$53,488</u>
g. <u>County treasurer</u>	<u>\$70,833</u>
h. <u>Center Township assessor</u>	<u>\$65,185</u>
i. <u>Decatur Township assessor</u>	<u>\$55,926</u>
j. <u>Franklin Township assessor</u>	<u>\$55,926</u>
k. <u>Lawrence Township assessor</u>	<u>\$61,481</u>
l. <u>Perry Township assessor</u>	<u>\$60,556</u>
m. <u>Pike Township assessor</u>	<u>\$61,481</u>
n. <u>Warren Township assessor</u>	<u>\$60,556</u>
o. <u>Washington Township assessor</u>	<u>\$64,259</u>
p. <u>Wayne Township assessor</u>	<u>\$64,259</u>

- (2) And a deferred compensation plan funded by contributions equaling eight percent (8%) of the officer's annual salary.
- (3) The county assessor, county auditor and county treasurer, as ex-officio county commissioners, in addition to other compensation may be provided the use of an automobile.
- (4) Effective for the 2002 calendar year and thereafter until modified, the following amounts are provided, which are in addition to and not part of the officer's annual salary:
 - a. The county assessor and each township assessor who has attained a level two certification under IC 6-1.1-35.5 shall receive annually the amount of One Thousand Dollars (\$1,000).
 - b. A deputy county or township assessor who has attained a level two certification under IC 6-1.1-35.5 shall receive annually the amount of Five Hundred Dollars (\$500).
- (5) The salary for the county sheriff shall be Fifty- two Thousand Three Hundred Thirty-Eight Dollars (\$52,338), which shall be increased to One Hundred Two Thousand Three Hundred Thirty Eight Dollars (\$102,338) per annum if the sheriff has entered into a salary contract pursuant to either an applicable ordinance or IC 36-2-13-2.5
- (6) All elected county officers shall be entitled to participate in other employee benefits on the same basis as other county employees.

SECTION 2. Sec. 192-203 of the "Revised Code of the Consolidated City and County" be, and is hereby amended by deleting the language stricken through and adding the underlined text to read as follows:

Sec. 192-203. County employee compensation. For the year 2002 and thereafter until modified in accordance with Article III of this Chapter, the compensation of all employees of the county are fixed and limited as follows:

- (1) total compensation paid by any department, office, or agency shall not exceed the amounts appropriated for "personal services" in the respective amended annual budgets for the year 2002, and
- (2) for the year 2002, no salary shall exceed that determined in accordance with the provisions of Sec. 291-703(b) of this Code, and
- (3) for the year 2003, no salary shall exceed that determined in accordance with the "County Compensation Schedule attached as Exhibit C to this ordinance.

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

EXHIBIT C COUNTY COMPENSATION SCHEDULE

The annual compensation for the calendar year 2003 for all appointed officers, deputies, and employees, whose compensation is payable from the County General Fund or any other fund from which the County Auditor issues warrants for compensation, is fixed as follows:

- (1) the salaries of those judges, officers of courts, prosecuting attorneys, and deputy prosecuting attorneys whose minimum salaries are fixed by statute are confirmed as fixed by statute,
- (2) the salaries of the following are fixed as recommended by the County Salary Recommendation Panel:

members of the board of voters' registration		\$57,983
chief deputy prosecutor/child support director		\$69,333
superintendent, children's guardian home	range	\$65,000 - \$70,000
director, forensics services agency	range	\$85,312 - \$90,000
executive director, community corrections	range	\$64,000 - \$68,000
director, metropolitan communications agency	range	\$75,000 - \$78,000
chief information officer	range	\$100,000 - \$115,000
director, justice agency	range	\$83,000 - \$86,000

- (3) the salary of the following is fixed as recommended by the Board of the Public Defender's Agency:

chief public defender	range	\$85,000 - \$95,000
-----------------------	-------	---------------------

- (4) as set forth in the following schedule:

MARION COUNTY SALARY GRADE SCALE AS OF JANUARY 1, 2002 2003			
DBM CODE	MINIMUM SALARY	MID-POINT SALARY	MAXIMUM SALARY
A12	\$12,754	\$15,304	\$17,855
A13	\$14,397	\$17,277	\$20,154
B21	\$15,686	\$19,212	\$22,742
B22	\$17,177	\$21,043	\$24,909
B23	\$18,815	\$23,048	\$27,281
B24	\$20,607	\$25,241	\$29,878
B31	\$23,619	\$28,932	\$34,247
B32	\$27,549	\$33,749	\$39,946
C41	\$29,640	\$36,608	\$43,573
C42	\$31,630	\$39,064	\$46,496
C43	\$33,753	\$41,684	\$49,617
C51	\$36,172	\$45,216	\$54,260
C52	\$39,878	\$49,846	\$59,816
D61	\$40,176	\$51,224	\$62,272
D62	\$41,920	\$53,446	\$64,974
D63	\$44,732	\$57,032	\$69,333

MARION COUNTY SALARY GRADE SCALE AS OF JANUARY 1, 2002 2003			
DBM CODE	MINIMUM SALARY	MID-POINT SALARY	MAXIMUM SALARY
D71	\$45,965	\$59,756	\$73,544
D72	\$50,674	\$65,875	\$81,078
E81	\$54,968	\$71,457	\$87,947
E82	\$58,654	\$76,251	\$93,847
E83	\$62,589	\$81,367	\$100,146

PROPOSAL NO. 485, 2002. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 485, 2002 on October 15, 2002. The proposal, sponsored by Councillors McWhirter and Talley, amends the Deferred Compensation Plan of the City and County. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor McWhirter moved, seconded by Councillor Talley, for adoption. Proposal No. 485 2002 was adopted on the following roll call vote; viz:

26 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Dowden, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty, Adams, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Talley, Tilford

0 NAYS:

3 NOT VOTING: Douglas, Gibson, Short

Proposal No. 485, 2002 was retitled GENERAL ORDINANCE NO. 96, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 96, 2002

A PROPOSAL FOR A GENERAL ORDINANCE amending the Deferred Compensation Plan of City of Indianapolis and Marion County pursuant to Sec. 291-401 of the Revised Code of the Consolidated City and County.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA

SECTION 1. The deferred compensation plan approved by the City-County Council as Exhibit A to General Ordinance No. 147, 1999 is hereby amended by adding the underlined text and deleting the stricken-through text to read as follows:

EXHIBIT A

DEFERRED COMPENSATION PLAN
OF
CITY OF INDIANAPOLIS AND MARION COUNTY
~~RESTATMENT~~ AS RESTATED EFFECTIVE JANUARY 1, 2002

This City of Indianapolis and Marion County Deferred Compensation Plan (hereinafter referred to as the "Plan") is amended and restated by the City of Indianapolis and Marion County (hereinafter referred to as the "Employer") effective as of January 1, 2002.

WHEREAS, the Employer established this Plan effective May 1, 1981, to enable employees who become covered under the Plan to enhance their retirement security by permitting them to enter into agreements with the Employer to defer compensation and receive benefits at separation of service, and for financial hardships due to unforeseeable emergencies; and

~~WHEREAS, the Employer desires to amend and restate the Plan to effect certain changes; and~~

WHEREAS, the Plan shall be maintained for the exclusive benefit of Plan participants and their beneficiaries, and is intended to comply with the eligible deferred compensation plan requirements of Section 457 of the Internal Revenue Code of 1986, as now in effect or as hereafter amended (the "Code"), and regulations thereunder, and other applicable law; and

WHEREAS, the Employer has reserved the right to amend the Plan from time to time pursuant to Plan Section 10.01; and

WHEREAS, effective for plan years commencing on and after January 1, 2002, Section 457 of the Code is substantially changed by certain provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA"); and

WHEREAS, the Employer desires to amend and restate the Plan in order to incorporate all of the mandatory EGTRRA changes, and a select portion of the voluntary EGTRRA changes, to Section 457 of the Code;

NOW, THEREFORE, the Employer does hereby amend and restate the Plan as set forth in the following pages.

SECTION 1 DEFINITIONS

- 1.01 "Account" means the account established by the Employer for each Employee who has entered into a Deferred Compensation Agreement.
- 1.02 "Applicable Form" means the appropriate form as designated and furnished by the Administrator with which, or on which to make an election or provide a notice as required by the Plan. The Administrator may prescribe a verbal, electronic or telephonic instruction in lieu of or in addition to a written form.
- 1.03 "Beneficiary" means the person(s) designated to receive benefits under this Plan upon the death of the Participant. If the Participant does not designate a Beneficiary, then the Beneficiary shall be the estate of the Participant.
- 1.04 "Benefit Commencement Date" means the date payment of benefits to a Participant or Beneficiary is to commence under the terms of this Plan.
- 1.05 "Code" means the Internal Revenue Code of 1986, as amended, including all regulations promulgated pursuant thereto. Citations herein to Code Section numbers refer to the Code sections in existence as of ~~November 29, 1999~~ January 1, 2002.
- 1.06 "Compensation" means the total remuneration earned by an Employee for services rendered to the Employer for the calendar year including amounts deferred under this Plan and any other deferred compensation plan.
- 1.07 "Deferred Compensation Agreement" means the written agreement between an Employee and the Employer to defer receipt by the Employee of Compensation not yet earned.
- 1.08 "Employee" means any person who performs services for an Employer for compensation on a regular basis and is eligible to participate in the State of Indiana Public Employees Retirement Fund (PERF) under rules established by the Employer. ~~Any person participating in the Plan prior to the adoption of this Restatement is eligible to continue participation whether or not that person is eligible for PERF.~~ For purposes of this Plan, Employee shall include any elected or appointed official of the City of Indianapolis or Marion County.
- 1.09 "Employer" means the City of Indianapolis and Marion County, Indiana and any political subdivision that participates in the Plan.
- 1.10 "Includible Compensation" means compensation for services performed for the Employer which is includible in gross income as reported on the Employee's federal income tax withholding statement (Form W-2).
- 1.11 "Normal Retirement Age" means age 70 ½ or the age selected by a Participant that fixes the eligibility period for utilizing the catch-up limitation under Section 3.04~~2~~. The Normal Retirement Age selected by a Participant may not be earlier than the earliest date that the Participant would become eligible to retire and receive unreduced benefits as a member of the pension plan of the Participant's Employer. A Participant's Normal Retirement Age established for catch-up does not have any bearing on the age at which the Participant actually retires.

- 1.12 "Participant" means an Employee, former Employee, or a Beneficiary who maintains an Account balance under the Plan.
- 1.13 "Plan" means the City of Indianapolis and Marion County Deferred Compensation Plan as amended from time to time, which was established pursuant to Section 23-44 of the Code of Indianapolis and Marion County, Indiana, and which is restated here. Such Plan includes all assets, both deferrals and income, held on behalf of Participants and their Beneficiaries under the terms of the Plan.
- 1.14 "Plan Administrator" or "Administrator" means the City-County Administrative Board, or such agency or department appointed by said such Board, or any person or organization contracted to provide administration of the Plan.
- 1.15 "Plan Year" means the calendar year.
- 1.16 "Political Subdivision" means any political subdivision as defined in IC 36-1-2-13 and is located within boundaries of Marion County, Indiana.
- 1.17 "~~Separation~~ Severance from Service Employment" means the severance of a Participant's employment with the Employer for any reason, including retirement. When a Participant has not performed services for the employer for a period of six months, the Participant shall be deemed Separated from Service to have incurred a Severance from Employment for purposes of this Plan as of the last date of such six month period.

SECTION 2
ELECTION TO DEFER COMPENSATION

- 2.01 Participation. Any person participating in the Plan prior to January 1, 2002 is eligible to continue participation. Each other Employee (as defined for purposes of this Plan) is eligible to become a Participant in this Plan following commencement of employment. Any person elected or appointed to a term of office with the Employer shall be deemed to commence employment at the time such person assumes office.
- 2.02 Enrollment. Eligible Employees may enroll in the Plan by completing a Deferred Compensation Agreement and submitting it to the Employer. This agreement authorizes the Employer to defer Compensation in the amount specified in the Deferred Compensation Agreement for each pay period. The dollar amount deferred must equal at least the minimum deferral per pay period as established from time to time by the Administrator. The deferral shall be effective for any calendar month only if the Employee submits and the Employer accepts a Deferred Compensation Agreement prior to the beginning of such month.
- 2.03 Changes to Deferrals: Participants may amend their deferral amount or their investment direction on an Applicable Form in accordance with procedures established by the Administrator.
- 2.04 Minimum Deferral: A Participant must defer a minimum of \$12.50 per payroll or such amount as is determined from time to time by the Administrator.
- 2.05 Effective Date of Deferral: In all cases, a deferral shall be considered effective as of the date it is withheld from the Participant's pay.
- 2.06 Suspension of Deferrals:
- (a) Voluntary – A Participant may suspend Deferrals by giving the Employer notice to that effect. Following suspension, a Participant may reinstate Deferrals in accordance to with guidelines and procedures of the Employer unless and until other guidelines and procedures are as established by the Administrator.
 - (b) Involuntary – At the Employer's discretion, Deferrals may be involuntarily suspended for any month in which there are insufficient monies available to make the entire Deferral agreed upon in the Deferred Compensation Agreement or Applicable Form. Following suspension, the Deferral will automatically be reinstated in the next pay period that Compensation is sufficient to make the agreed upon Deferral. However, under no circumstances, in such cases, shall the Deferral be retroactively reinstated for the pay period in which it was suspended.

SECTION 3
LIMITATION OF DEFERRALS

3.01 Primary Limitation. Except as provided in Sections 3.02 and 3.03, the Deferral Amount in any taxable year commencing after December 31, 2001, shall not exceed the lesser of:

- (a) ~~\$7,500, as adjusted by the Secretary of the Treasury at the same time and in the same manner as under Code Section 425(d), pursuant to Code Section 457(e)(15), the "Applicable Dollar Amount" (as determined under Section 457(e)(15)(A) of the Code, increased for cost of living adjustments as provided in Section 457(e)(15)(B) of the Code); or~~
- (b) ~~33 1/3~~ 100% of the Participant's Includible Compensation.

For purposes of Section 3.01(a), the "Applicable Dollar Amount" is as follows:

<u>Taxable Year</u>	<u>Dollar Limitation on Deferrals</u>
<u>2002</u>	<u>\$11,000</u>
<u>2003</u>	<u>\$12,000</u>
<u>2004</u>	<u>\$13,000</u>
<u>2005</u>	<u>\$14,000</u>
<u>2006</u>	<u>\$15,000</u>
<u>2007 (and later)</u>	<u>\$15,000 (as adjusted for COLA)</u>

3.02 Last Three Taxable Years Catch-up Limitation:

- (a) A Participant may trigger ~~theis~~ catch-up limitation by electing a Normal Retirement Age pursuant to Plan Section 1.11. The maximum Deferral Amount for each of a Participant's last three (3) taxable years ending before he or she attains Normal Retirement Age, is the lesser of:
 - (i) ~~\$15,000~~, Twice the "Applicable Dollar Amount" under Plan Section 3.01(a); or
 - (ii) The primary limitation amount determined under Plan Section 3.02(a)1 for the current year, plus so much of the primary limitation amount that was not utilized in prior taxable years in which the employee was eligible to participate in the Plan, beginning after December 31, 1978. A Participant may use a prior year only if the Deferrals under the Plan in existence during that year were subject to the maximum deferral amount described in Treas. Reg. 1.457-2(e) (1982).
- (b) The catch-up limitation is available to a Participant only during one three-year period. If a Participant uses the catch-up limitation and then postpones Normal Retirement Age or returns to work after retiring, the limitation shall not be available again before a subsequent retirement.

3.03 Coordination of Limits: ~~If a Participant participates in more than one eligible deferred compensation plan, as defined in Section 457 (b) of the Code, the total deferral under all plans shall be subject to the maximum limitation specified in Plan Section 3.01. If a Participant participates in a plan provided for in Code Section 403(b), 401 (k)(2), 408(k), 408(p) or receives amounts with respect to which a deduction of a contribution to an organization described in code Section 501 (c)(18) is allowable, amounts excluded from gross income in any taxable year under such arrangement shall reduce the primary limitation amount determined under Plan Sections 3.01 and 3.02. The Participant is responsible for ensuring coordination of these limits.~~

Catch-up Contributions for Individuals Age 50 or Over.

- (a) For purposes of this Section 3.03, an "Eligible Participant" means, with respect to any taxable year commencing after December 31, 2001, a Participant:
 - (i) who has attained the age of 50 before the close of the taxable year; and
 - (ii) with respect to whom no other Deferral Amounts may be made by such Participant to the Plan for such year due to the primary limitations contained in Plan Section 3.01, or due to any other limitation or restriction contained in the Code.
- (b) In lieu of the catch-up contribution available under Plan Section 3.02, an Eligible Participant may elect on the Applicable Form to contribute additional Deferral Amounts to the Plan for a taxable year in an amount which does not exceed the lesser of:

- (i) the "Applicable Dollar Amount of Catch-up Contributions for Individuals Age 50 or Over" (as defined in subsection (c) this Section 3.03); or
- (ii) the excess (if any) of:
 - (I) the Participant's compensation (as defined in Section 415(c)(3) of the Code) for the year; over
 - (II) any other elective deferrals (within the meaning of section 414(u)(2)(C) of the Code) of the Eligible Participant for the year which are made without regard to this Section 3.03
- (c) For purposes of this Section 3.03, the "Applicable Dollar Amount of Catch-up Contributions for Individuals Age 50 or Over" are as follows:

<u>For The Taxable Year</u>	<u>The Applicable Dollar Limit is:</u>
<u>2002</u>	<u>\$1,000</u>
<u>2003</u>	<u>\$2,000</u>
<u>2004</u>	<u>\$3,000</u>
<u>2005</u>	<u>\$4,000</u>
<u>2006 (or thereafter)</u>	<u>\$5,000</u>

For taxable years beginning after December 31, 2006, the otherwise applicable dollar limit (\$5,000) shall be increased annually for cost of living adjustments pursuant to Section 414(v)(2)(C) of the Code.

- (d) An Eligible Participant may not, for the same taxable year, contribute both the additional Deferral Amounts allowed under Plan Section 3.02 and the additional Deferral Amounts allowed under this Section 3.03. The Eligible Participant is responsible for choosing which of the otherwise available catch-up contributions, if any, shall be made for such taxable year.
- 3.04 Employer Contribution Limits: If the Employer agrees to make contributions to the Plan on behalf of a Participant ~~to this Plan~~, the Employer contributions shall be deemed made by the Participant. For purposes of administering Sections 3.01, ~~and 3.02 and 3.03~~ of this Plan, Employer contributions shall be processed as payroll deferrals and shall apply toward the maximum deferral limits in the taxable year that they are made and must comply with any procedure established by the Administrator.

SECTION 4 BENEFITS

- 4.01 Benefit Payments: Benefits shall be paid from the Plan in accordance with this section following a Participant's ~~Separation from Service~~ Severance from Employment, Death, Disability or the occurrence of an unforeseeable emergency. Benefits payable to a Participant or a Beneficiary shall be based upon the value of the Participant's Account.
- (a) ~~Separation of Service~~ Severance from Employment. Upon ~~Separation from Service~~ Severance from Employment, a Participant may elect to have benefits commence on a date, which is no later than age 70 ½. Such election shall be made within 45 days after ~~Separation of Service~~ Severance from Employment. If no election is made, benefits shall commence 60 days after ~~Separation of Service~~ Severance from Employment. A Participant may elect to change the commencement date of distribution of the Account to a later date otherwise permitted under this Section. If a Participant has elected, in accordance with the Plan, to delay the commencement of distributions to a later date, then the Participant may make one additional election to further delay the commencement of distribution, provided that the election is filed before distribution actually begins and the later commencement date meets the required distributions commencement date provisions of Code Sections 401(a)(9) and 457(d)(2)④. All benefits shall be paid under a payment option under Section 4.067.
 - (b) Death. In the event of the Participant's death prior to the commencement of benefits under paragraph (a), the value of the Participant's Account shall be paid to the Beneficiary under a payment option elected by the Beneficiary under Section 4.06, subject to the restrictions in Section 5.02. Such benefits shall be payable commencing within 45 days after receipt by Administrator of satisfactory proof of the Participant's death. However, if the Beneficiary is the spouse of the Participant, then the spouse may elect within 45 days of Participant's death, to defer distribution to a date not later than the date when the Participant would have attained age 70 ½.

- (c) Disability. Upon ~~Separation from Service~~ Severance from Employment with the Employer because of becoming Disabled, a Participant may elect to have benefits commence on a date which is not later than age 70 $\frac{1}{2}$. Such election shall be made within 45 days after becoming Disabled. If no election is made, benefits will commence 60 days after becoming Disabled. A Participant may change the commencement date of distribution of the Account to a later date otherwise permitted under this Section. If a Participant has elected, in accordance with the Plan, to delay the commencement of distribution to a later date, then the Participant may make an additional election to further delay the commencement of distribution, provided that the election is filed before distribution actually begins and the later commencement date meets the required distribution commencement date provisions of Code Sections 401(a)(9) and 457(d)(2). All benefits shall be paid under a payment option under Section 4.07.
- 4.02 Lump Sum Settlement: Notwithstanding anything in this Plan to the contrary, if a Participant's Account balance is less than \$5,000 (or such amounts as determined by the Administrator from time to time) at the time of ~~Separation from Service~~ Severance from Employment, the Administrator shall effect a lump sum distribution of the Participants' account if the Account balance is less than the amount established by the Administrator for the year as the lump sum settlement amount under this Section.
- 4.03 Voluntary In Service Distribution: If that portion of a Participant's Account which is not attributable to rollover contributions is \$5,000 or less, the Participant may elect to receive the total amount payable prior to the time provided in Plan Section 4.01 if (4i) the Participant has not made a Deferral to the Plan during the two year period ending on the date the benefit is distributed, and (2ii) the Participant has not previously received a distribution pursuant to the terms of this Plan Section and Code Section 457(e)(9).
- 4.04 Involuntary In Service Distribution: If that portion of a Participant's Account which is not attributable to rollover contributions is less than \$1,000 on the date the benefit is distributed, the Administrator shall make a lump sum payment prior to the time provided in Plan Section 4.01 if (4i) the Participant has not made a Deferral to the Plan during the two year period ending on the date the benefit is distributed, and (2ii) the Participant has not previously received either a voluntary or involuntary in service distribution pursuant to this Section and Section 4.03, or Code Section 457(e)(9).
- 4.05 Unforeseeable Emergency Distributions: Notwithstanding any other provision herein and subject to guidelines and requirements set forth in procedures established by the Administrator, Participants may request that benefits be paid in the event of an unforeseeable emergency.
- (a) The Administrator shall appoint a three member Emergency Withdrawal Committee. This committee shall establish procedures to review and approve or deny all requests for an unforeseeable emergency distribution. If the application for payment is approved by the Emergency Withdrawal Committee, payment shall be effected as soon as practicable thereafter.
- (b) Benefits shall be paid under this paragraph only in the event of an unforeseeable emergency creating severe hardship as a result of sudden and unexpected illness or accident of the Participant or of a dependent of the Participant (as defined in Section 152(a) of the Code), disability or loss of the Participant's property due to casualty or other similar extraordinary and unforeseeable events beyond the control of the Participant. Such benefits shall be strictly limited to the amount necessary to meet the emergency situation constituting financial hardship. In any case, payment shall not be made to the extent that such hardship is or may be relieved through insurance, liquidation of the Participant's assets (to the extent the liquidation of such assets would not itself cause severe financial hardship) or by cessation of deferrals under the Plan. Foreseeable personal expenditures, such as down payment for a home, the purchase of an automobile or educational expenses shall not constitute a financial hardship.
- (c) The decision of the Emergency Withdrawal Committee concerning financial hardship shall be final.
- (d) The Administrator may establish restrictions following a distribution pursuant to this Section.
- 4.06 Payment Options: A Participant or Beneficiary may elect the form of payment of benefits, as defined in Section 4.07, and may revoke that election (with or without a new election) at any time before 30 days preceding the Benefit Commencement Date, by notifying the Employer in writing, subject to the Employer's approval.

4.07 Forms of Payment: A Participant or Beneficiary may elect payment of benefits in one of the following forms:

- (a) Lump Sum: A single payment of the entire balance in a Participant's Deferred Compensation Account.
- (b) Life Contingent Annuity: Periodic payments contingent on the life expectancy of the Participant or Beneficiary, or over such life expectancy of the Participant or Beneficiary, or over such life expectancy and a guaranteed period of time.
- (c) Period Certain Annuity: Periodic payments over a specified period of time.
- (d) Systematic Withdrawal: Periodic payments of a fixed amount or fixed duration subject to the restrictions of the Administrator.
- (e) Any other method of payment agreed upon by the Employer and the Participant or Beneficiary and provided for in an investment vehicle acquired by the Employer in connection with this Plan.

No benefit payment option may be selected which would provide annuity benefits extending beyond the life expectancy of the annuitant or the joint life expectancy of the annuitant and his contingent annuitant, as determined on the Benefit Commencement Date.

4.08 Minimum Distribution Rules: Notwithstanding any provision of this Plan to the contrary, any distribution under the Plan shall be made in accordance with Code Sections 401(a)(9) and 457(d) and the regulations established thereunder as they are amended. No payment option may be selected by a Participant unless the amounts payable to the Participant are expected to be at least equal to the minimum distribution required under Section 401(a)(9) of the Code. The amounts payable also must satisfy the minimum distribution incidental benefits requirements of Section 401(a)(9)(G) of the Code.

SECTION 5
BENEFICIARIES

5.01 Beneficiary Designation: A Participant shall have the right to designate a Beneficiary, and amend or revoke such designation at any time, by submitting an Applicable Form. Such designation, amendment or revocation shall be effective upon receipt and acceptance of such Applicable Form by the Employer. If the Participant dies without a Beneficiary form on file, the benefit payments shall be made to the Participant's estate.

5.02 Payment to Beneficiary: In the event of the Participant's death, any remaining benefit shall be distributed according to the following:

- (a) If the Participant had begun receiving periodic payments of a fixed amount or fixed duration from the Plan which were not annuitized, the balance of the Account shall be paid to the Beneficiary at least as rapidly as under the payment option selected by the Participant.
- (b) If the Participant had begun receiving payments under an annuity contract, the Beneficiary shall be bound by all restrictions of that contract and the form of payment selected thereunder and remaining payments, if any, shall be paid to the Beneficiary under the contract.
- (c) If the Participant dies before distributions have commenced, a spouse Beneficiary may delay the commencement of benefits until the Participant would have attained age 70 ½ and may elect to receive payment at such time over the spouse Beneficiary's life expectancy.
- (d) If the Participant dies before distributions have commenced, a non-spouse Beneficiary may take a lump sum or a periodic payment. In the case of a lump sum distribution, payment must be made no later than one year after the date of the Participant's death. In the case of a periodic distribution, payments must commence no later than one year after the date of the Participant's death and must be made over a maximum of fifteen years, but in no event over a period longer than the Beneficiary's life expectancy at the time the distribution commences.

SECTION 6
PLAN ADMINISTRATION

- 6.01 Duties and Powers of Administrator: The Plan Administrator shall have responsibility for the operation and administration of the Plan and shall direct payment of Plan benefits. The Plan Administrator shall have the power and authority to adopt, interpret, alter, amend or revoke rules and regulations necessary to administer the Plan and to delegate ministerial duties and employ such outside professionals as may be required for prudent administration of the Plan. The Plan Administrator shall also have the authority to enter agreements on behalf of the employer necessary to implement this Plan. The members of the Plan Administrator, if otherwise eligible, may participate in this Plan, but shall not be entitled to make decisions solely with respect to their own participation.
- 6.02 Binding Actions of Administrator: Any action by the Administrator, which is not found to be an abuse of discretion, shall be final, conclusive and binding on all individuals affected thereby. The Administrator may take any such action in such manner and to such extent as the Administrator in its sole discretion may deem expedient and the Administrator shall be the sole and final judge of such expediency.
- 6.03 Delegation by Administrator: In addition to the powers stated in Section 6.01, the Administrator may from time to time delegate to an individual, committee or organization certain of its ~~fiduciary~~ responsibilities under the Plan. Any such individual, committee or organization shall remain a ~~fiduciary~~ responsible until such delegation is revoked by the Administrator, which revocation may be without cause and without advance notice. Such individual, committee or organization shall have such power and authority with respect to such delegated ~~fiduciary~~ responsibilities as the Administrator has under the Plan.
- 6.04 Payment of Benefits: The Administrator, if in doubt concerning the correctness of its action in making a payment of a benefit, may suspend payment until satisfied as to the correctness of the payment or the person to receive the payment, or may file, in any state court of competent jurisdiction, a suit, in such form as it considers appropriate, for legal determination of the benefits to be paid and the persons to receive them. The Administrator may also bring a suit or take such other action, as it deems appropriate in the case of questions involving investment directions. The Administrator shall comply with the final order of the court in any such suit, and Participants and Beneficiaries shall be bound thereby insofar as such order affects the benefits payable under this Plan or the method or manner of payment.
- 6.05 Limitation of Recovery: Participants and Beneficiaries may not seek recovery against the Administrator, or any employee, contractor or agent of the Employer or Administrator for any loss sustained by any Participant or Beneficiary due to the nonperformance of their duties, negligence or any other misconduct of the above named persons. This paragraph shall not, however, excuse fraud or a wrongful taking by any person.

SECTION 7
ACCOUNTS AND REPORTS

- 7.01 Account: The Administrator or duly appointed representative shall maintain an Account with respect to each Participant, and that Account shall be credited with (i) the Participant's deferred amount for each pay period, and (ii) any amounts to be allocated pursuant to Plan Section 9.05. The balance of such account shall be adjusted daily to reflect any distribution to the Participant and all interest, dividends, account charges and changes of market value resulting from the investment of the Participant's deferred amounts. All Plan records, including individual account information that is maintained by the Administrator shall be the exclusive property of the Employer.
- 7.02 Statement of Account: The Administrator's designee for providing administrative services shall provide a written report of the status of each Participant's Account within thirty (30) days after the end of each Plan quarter, and a year-end summary report of transactions and aggregate account balances within thirty (30) days of the end of the Plan Year. All reports to Participants shall be based on the fair market value of investments credited to their Accounts as of the reporting dates. Participant reports shall be deemed to have been accepted by the Participant as correct unless the Administrator, or its designee, receives written notice to the contrary within sixty (60) days after the mailing or distribution of a report to the Participant.
- 7.03 Account Valuation: The Administrator or its duly appointed representative shall value the investments each business day based on acceptable industry practices. All daily transactions shall be based on that day's closing market values.

SECTION 8
INVESTMENT OF DEFERRALS

- 8.01 Investment Options: From time to time, the Administrator shall determine the available Investment Fund Options for Participants or Beneficiaries. The Participants may direct the investment of their Accounts among these Investment Fund Options. Investment allocations by Participants shall remain effective with regard to all subsequent Deferrals, until changed in accordance with the provisions of this Section. A Participant may change his allocation request by submitting an Applicable Form as required by the Administrator. Such changes shall become effective as soon as administratively feasible.
- 8.02 Deposits: In all cases, deposits of deferrals shall be treated as actually made only as of the date the funds are accepted as in good order by the Administrator.

SECTION 9
PLAN TO PLAN TRANSFERS AND ROLLOVERS

- 9.01 Plan-to-Plan Transfers Direct Transfers From Plan: Notwithstanding any other Plan provision, distribution of amounts deferred by a former Participant ~~of this in the Plan~~ shall not commence upon ~~Separation from Service~~ Severance from Employment, but instead may be directly transferred to another ~~Deferred Compensation Plan~~ "Eligible Retirement Plan" (as defined in Section 9.02 below) ~~with respect to of which the former Participant has become a participant, or owner if:~~
- (a) ~~the plan receiving such amounts provide for their acceptance, and the former Participant in this Plan elects on the Applicable Form to have the value of the Participant's Account paid directly to such Eligible Retirement Plan;~~
 - (b) ~~a Participant Separates from Service with the employer in order to accept employment with another entity eligible to sponsor a plan pursuant to Code Section 457, the distribution qualifies as an "Eligible Rollover Distribution" under Section 402(f)(2)(A) of the Code; This Plan may accept the cash transfer of amounts previously deferred by a Participant under another eligible Deferred Compensation Plan.~~
 - (c) the former Participant specifies the "Eligible Retirement Plan" to which such transfer is to be paid (in such form and at such time as the Administrator may prescribe); and
 - (d) the plan so specified by the former Participant provides for the acceptance of an "Eligible Rollover Distribution" from a governmental 457 plan.
- 9.02 Eligible Retirement Plan: For purposes of Section 9.01, an "Eligible Retirement Plan" means any of the following:
- (a) an individual retirement account described in Section 408(a) of the Code;
 - (b) an individual retirement annuity described in Section 408(b) of the Code (other than an endowment contract);
 - (c) a trust qualified under Section 501(a) of the Code and which is related to a defined contribution plan that (i) is qualified under Section 401(a) of the Code, and (ii) by its terms permits the acceptance of rollover distributions;
 - (d) an annuity plan described in Section 403(a) of the Code;
 - (e) an eligible deferred compensation plan described in Section 457(b) of the Code which is maintained by a State, by a political subdivision of a State, or by any agency or instrumentality of a State or political subdivision of a State (a governmental 457 plan); and
 - (f) an annuity contract described in Section 403(b) of the Code.
- In no event may a direct transfer be made from this Plan to an eligible deferred compensation plan described in Section 457(b) or Section 457(f) of the Code which is maintained by any other organization (other than a governmental unit) exempt from tax under the Code.
- 9.03 Direct Transfers to Plan: A Participant in this Plan may elect on the Applicable Form to directly transfer to this Plan an "Eligible Rollover Distribution" (in cash only) under Section 402(f)(2)(A) of

the Code to which the Participant is otherwise entitled to receive from an eligible deferred compensation plan described in Plan Section 9.02(e)(a governmental 457 plan).

In no event may an Eligible Rollover Distribution be directly transferred to this Plan from an Eligible Retirement Plan which is not a governmental 457 plan.

- 9.04 Rollovers to Plan. A Participant in this Plan may elect on the Applicable Form to rollover to this Plan an "Eligible Rollover Distribution" (in cash only) under Section 402(f)(2)(A) of the Code which the Participant has received from an eligible deferred compensation plan described in Plan Section 9.02(e) (a governmental 457 plan), provided the rollover is made on or before the sixtieth (60th) day following the day on which the Participant received such distribution.

In no event may an Eligible Rollover Distribution be rolled over to this Plan from an Eligible Retirement Plan which is not a governmental 457 plan

- 9.05 Allocations to Account: All amounts directly transferred by a Participant to this Plan pursuant to Plan Section 9.03, or rolled over by a Participant to this Plan pursuant to Plan Section 9.04, shall be allocated by the Administrator to the Participant's Account under this Plan and shall thereafter be administered pursuant to the provisions of the Plan.

SECTION 10 AMENDMENT AND TERMINATION

- 10.01 Amendments: Subject to the provision of any applicable law, the Employer may at any time amend or modify this Plan without the consent of the Participants (or any Beneficiaries thereof), provided that notice of the amendment be given to Participants at least forty-five (45) days before the amendment becomes effective. However, this forty-five (45) day notice requirement is suspended if the amendment does not limit or otherwise restricts the deferral and distribution rights of the Participants.
- 10.02 Termination: Although the Employer has established this Plan with a bona fide intention and expectation to maintain the Plan indefinitely, the Employer may terminate or discontinue the Plan in whole or in part at any time without any liability for such termination or discontinuance. Upon Plan termination, all Deferrals shall cease. In such an event, the Administrator shall be responsible for directing distribution of all assets of the Plan to Participants, Beneficiaries or to a successor plan.

SECTION 11 PARTICIPATION BY POLITICAL SUBDIVISIONS

- 11.01 Adoption: Subject to the approval of the Administrator, the governing body of a political subdivision, as defined in 1.16, of the City of Indianapolis or Marion County, Indiana may pass a resolution to formally adopt this Plan for its employees. Such resolution must indicate that the political subdivision will abide by the rules and regulations of the Plan.
- 11.02 Termination: Subject to the approval of the Administrator, a political subdivision may terminate its participation in the Plan by adopting a resolution terminating its employees' rights in regard to participation in the Plan. Distributions, under the Plan, of existing Accounts to these Participants are subject to the terms of Section 4.

SECTION 12 MISCELLANEOUS

- 12.01 Limitation of Rights: Neither the establishment of this Plan nor any modification thereof, nor the creation of any fund or account, nor the payments of any benefits, shall be construed as giving any Participant or other person any legal or equitable right against the Employer except as provided in the Plan. In no event shall the terms of employment of any employee be modified or in any way be affected by the Plan.
- 12.02 Nonassignment: No Participant, Beneficiary or designee may commute, sell, assign, transfer or otherwise convey the right to receive any payment under the Plan, provided that such payment and right thereto is expressly declared to be nonassignable and nontransferable.
- 12.03 Federal Taxes: Neither the Employer nor the Administrator guarantee that any particular Federal or State income, payroll or other tax consequence will occur because of participation in this Plan.

- 12.04 USERRA Compliance: Notwithstanding any provisions of this Plan to the contrary, contributions, benefits and service credit with respect to qualified military service shall be provided in accordance with Code Section 414(u), and as required by the Uniformed Services Employment and Reemployment Rights Act ("USERRA").
- 12.05 Erroneous Payments: If the Administrator makes any payment that according to the terms of the Plan and the benefits provided hereunder should not have been made, the Administrator may recover that incorrect payment, by whatever means necessary, whether or not it was made due to the error of the Administrator.
- 12.06 Domestic Relations Orders: If the Plan Administrator is properly served with a domestic relations order from a court of competent jurisdiction, and if such order obligates the Plan Administrator to either (i) allocate all or a portion of a Participant's Account to an Account in the name of an alternate payee or payees identified in such order, or (ii) immediately distribute all or a portion of a Participant's Account to an alternate payee or payees identified in such order, the Plan Administrator, notwithstanding any provision of this Plan to the contrary, shall implement such allocation or immediate distribution pursuant to the provisions of such order. In the event such order obligates the Plan Administrator to allocate all or a portion of a Participant's Account to an Account in the name of an alternate payee or payees identified in such order, but does not obligate the Plan Administrator to immediately distribute all or a portion of a Participant's Account to an alternate payee or payees identified in such order, the Plan Administrator may nevertheless allow such alternate payee or payees to elect to receive an immediate single sum distribution of the entire amount of the Participant's Account to which such payee is, or such payees are, entitled pursuant to such order.
- 12.067 Liability: The Administrator shall not incur any liability in acting upon notice, request, signed letter or other paper document or electronic transmission believed by the Administrator to be genuine or to be executed or sent by an authorized person.
- 12.078 Severability: If a court of competent jurisdiction holds any provision of this Plan to be invalid or unenforceable, the remaining provisions of the Plan shall continue to be fully effective.
- 12.089 Applicable Law: The Plan shall be construed in accordance with applicable federal law and, to the extent otherwise applicable, the laws of the State of Indiana.
- 12.0910 Pronouns: Whenever the context so requires, the plural includes the singular, the singular the plural, and the masculine the feminine.

SECTION 2. Should any provisions (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end, the provisions of this ordinance are severable.

SECTION 3. This ordinance shall be in effect from and after its passage by the Council and compliance with IC 36-3-4-14.

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 494 and 497, 2002 on October 9, 2002. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 494, 2002. The proposal, sponsored by Councillor Dowden, approves a transfer of \$28,065 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to fund additional expenses for the Juvenile Accountability Incentive Block Grant #3. PROPOSAL NO. 497, 2002. The proposal, sponsored by Councillors Dowden and Moriarty Adams, approves a transfer of \$70,000 in the 2002 Budget of the Department of Public Safety, Animal Care and Control Division (Consolidated County Fund) to pay for additional animal supplies and clothing supplies for new field and kennel employees, and to fund a consultant study of the Care and Control sections of this division. By 8-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal Nos. 494 and 497, 2002 were adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford

0 NAYS:

2 NOT VOTING: Brents, Nytes

Proposal No. 494, 2002 was retitled FISCAL ORDINANCE NO. 127, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 127, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) transferring and appropriating an additional Twenty-eight Thousand Sixty-five Dollars (\$28,065) in the State and Federal Grants Fund for purposes of the Marion County Superior Court, Juvenile Division, and reducing certain other appropriations for the Marion County Superior Court, Juvenile Division, and the County Auditor.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (I) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court, Juvenile Division to continue the Juvenile Accountability Incentive Block Grant # 3.

SECTION 2. The sum of Twenty-eight Thousand Sixty-five Dollars (\$28,065) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

MARION COUNTY SUPERIOR COURT
JUVENILE DIVISION

2. Supplies
4. Capital Outlay
TOTAL INCREASE

STATE AND FEDERAL GRANTS FUND

3,585
24,500
28,065

SECTION 4. The said additional appropriation is funded by the following reductions:

COUNTY AUDITOR

1. Personal Service - fringes

STATE AND FEDERAL GRANTS FUND

1,400

MARION COUNTY SUPERIOR COURT
JUVENILE DIVISION

1. Personal Services
3. Other Services and Charges
TOTAL DECREASE

15,875
10,790
28,065

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 497, 2002 was retitled FISCAL ORDINANCE NO. 128, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 128, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 95, 2001) transferring and appropriating an additional Seventy Thousand Dollars (\$70,000) in the Consolidated County Fund for purposes of the Department of Public Safety, Animal Care and Control Division and reducing certain other appropriations for that division.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (k) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Animal Care and Control Division to pay for additional animal supplies and clothing supplies for new field and kennel employees, and to fund a consultant study of the Care and Control sections of this division.

SECTION 2. The sum of Seventy Thousand Dollars (\$70,000) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u> <u>ANIMAL CARE AND CONTROL DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
2. Materials and Supplies	35,000
3. Other Services and Charges	<u>35,000</u>
TOTAL INCREASE	70,000

SECTION 4. The said additional appropriation is funded by the following reductions:

<u>DEPARTMENT OF PUBLIC SAFETY</u> <u>ANIMAL CARE AND CONTROL DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	<u>70,000</u>
TOTAL DECREASE	70,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Massie reported that the Rules and Public Policy Committee heard Proposal Nos. 499-501, 2002 on October 8, 2002. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 499, 2002. The proposal, sponsored by Councillors Gibson and Bainbridge, approves the Mayor's establishment of a charter school by issuing a charter to Flanner House Higher Learning Center, Inc. PROPOSAL NO. 500, 2002. The proposal, sponsored by Councillors Gibson and Bainbridge, approves the Mayor's establishment of a charter school by issuing a charter to Charter for Accelerated Learning, Inc. PROPOSAL NO. 501, 2002. The proposal, sponsored by Councillors Gibson and Bainbridge, approves the Mayor's establishment of a charter school by issuing a charter to KIPP Indianapolis, Inc. By 8-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

Councillor Gibson thanked David Harris, executive director of Charter Schools, for his commitment to the charter school system. Councillor Bainbridge said that he participated in the process for selecting these schools, and it was a very fair and thorough process. He said that there are still some issues regarding funding, but he does not believe these issues will take away from the funding for public schools.

Councillor Gray said that he feels more information is needed, especially with regards to funding. He said that with State cuts, schools will be set to fail without funding and public schools will lose students and dollars.

Councillor Black said that he agrees with Councillor Gray and is very concerned about the financial burden this might place on Indianapolis Public Schools if the State Legislature refuses to grant funding.

Councillor Gibson said that the State funding process is flawed, but he is committed to lobbying to see that it is fixed. Councillor Conley asked if a moratorium can be placed on designating charter schools until after the funding situation is straightened out. Councillor Massie said that the Mayor has the authority to grant charters by State statutes and he feels the funding situation can be easily fixed.

Councillor Massie moved, seconded by Councillor Gibson, for adoption. Proposal Nos. 499-501, 2002 were adopted on the following roll call vote; viz:

27 YEAS: *Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford*
2 NAYS: *Nytes, Sanders*

Proposal No. 499, 2002 was retitled COUNCIL RESOLUTION NO. 82, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 82, 2002

A COUNCIL RESOLUTION approving the Mayor's establishment of a charter school by issuing a charter to Flanner House Higher Learning Center, Inc.

WHEREAS, the Mayor is authorized by IC 20-5.5 to issue charters for chartered schools within the Consolidated City; and

WHEREAS, IC 20-5.5-3-4 requires that a majority of the members of the City-County Council approve the establishment of charter schools prior to the Mayor issuing a charter; and

WHEREAS, the Mayor has announced his intention to issue a charter for a charter school to Flanner House Higher Learning Center, Inc.; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. A majority of the members of the City-County Council hereby authorizes the Mayor to establish a charter school by issuing a charter to Flanner House Higher Learning Center, Inc..

SECTION 2. This resolution shall be in full force and effect from and after adoption.

Proposal No. 500, 2002 was retitled COUNCIL RESOLUTION NO. 83, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 83, 2002

A COUNCIL RESOLUTION approving the Mayor's establishment of a charter school by issuing a charter to Charter for Accelerated Learning, Inc..

WHEREAS, the Mayor is authorized by IC 20-5.5 to issue charters for chartered schools within the Consolidated City; and

WHEREAS, IC 20-5.5-3-4 requires that a majority of the members of the City-County Council approve the establishment of charter schools prior to the Mayor issuing a charter; and

WHEREAS, the Mayor has announced his intention to issue a charter for a charter school to Charter for Accelerated Learning, Inc.; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. A majority of the members of the City-County Council hereby authorizes the Mayor to establish a charter school by issuing a charter to Charter for Accelerated Learning, Inc..

SECTION 2. This resolution shall be in full force and effect from and after adoption.

Proposal No. 501, 2002 was retitled COUNCIL RESOLUTION NO. 84, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 84, 2002

A COUNCIL RESOLUTION approving the Mayor's establishment of a charter school by issuing a charter to KIPP Indianapolis, Inc..

WHEREAS, the Mayor is authorized by IC 20-5.5 to issue charters for chartered schools within the Consolidated City; and

WHEREAS, IC 20-5.5-3-4 requires that a majority of the members of the City-County Council approve the establishment of charter schools prior to the Mayor issuing a charter; and

WHEREAS, the Mayor has announced his intention to issue a charter for a charter school to KIPP Indianapolis, Inc.; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. A majority of the members of the City-County Council hereby authorizes the Mayor to establish a charter school by issuing a charter to KIPP Indianapolis, Inc..

SECTION 2. This resolution shall be in full force and effect from and after adoption.

PROPOSAL NO. 502, 2002. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 502, 2002 on October 15, 2002. The proposal, sponsored by Councillors Cockrum and Gray, determines the need to purchase approximately 92 acres of real property at 8605 Mann Road for the use of the Department of Parks and Recreation. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor McWhirter moved, seconded by Councillor Cockrum, for adoption. Proposal No. 502, 2002 was adopted on the following roll call vote; viz:

25 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Schneider, SerVaas, Smith, Soards, Tilford

0 NAYS:

4 NOT VOTING: Gibson, Sanders, Short, Talley

Proposal No. 502, 2002 was retitled SPECIAL RESOLUTION NO. 70, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 70, 2002

PROPOSAL FOR A SPECIAL RESOLUTION determining the need to purchase approximately 93 acres of real property at 8605 Mann Road, Marion County, Indianapolis, Indiana, for the use of the Department of Parks and Recreation.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council, pursuant to IC 36-1-10.5-5, is interested in making the subject purchase and hereby determines the purchase of real estate for the use of the Department of Parks and Recreation is necessary.

SECTION 2. The property to be purchased is located at 8605 Mann Road, Marion County, Indianapolis, Indiana, and is owned by James R. Baker, Nedra C. Waggoner, Betty J. Perry, John M. Baker, Jr., Robert Kimber Martin, Sarah Rohr Atkinson, Robert Allen Rohr, Donald Robert Atkinson and the State of Indiana.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 522, 2002. Councillor Massie reported that the Rules and Public Policy Committee heard Proposal No. 522, 2002 on October 8, 2002. The proposal, sponsored by Councillor Massie, authorizes the transfer of control of Cable Television Franchise from Time Warner Entertainment-Advance Newhouse Partnership to TWEAN Subsidiary, LLC. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Massie moved, seconded by Councillor Dowden, for adoption. Proposal No. 522, 2002, as amended, was adopted on the following roll call vote; viz:

24 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Dowden, Gibson, Gray, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Smith, Tilford

0 NAYS:

5 NOT VOTING: Douglas, Horseman, Short, Soards, Talley

Proposal No. 522, 2002, as amended, was retitled SPECIAL ORDINANCE NO. 6, 2002, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 6, 2002

A SPECIAL ORDINANCE authorizing the transfer of control of a Cable Television Franchise from Time Warner Entertainment-Advance Newhouse Partnership to TWEAN Subsidiary, LLC.

WHEREAS, Time Warner Entertainment-Advance/Newhouse Partnership (TWE-A\N) currently owns and operates the cable television system (the System) in the Consolidated City of Indianapolis, Indiana (the City) in accordance with the terms of a Franchise Agreement dated September 12, 1996, between TWE-A\N, as Operator, and the City, as amended to date, (the TWEAN Franchise); and

WHEREAS, TWE-A\N intends to reorganize the management of its cable franchises and has created a subsidiary TWEAN Subsidiary, LLC, a limited liability company formed in Delaware on July 9, 2002, for that purpose; and

WHEREAS, TWE-A\N intends to transfer the Franchise Agreement to its subsidiary TWEAN Subsidiary, LLC; and

WHEREAS, TWEAN has requested consent by the City to the transfer in accordance with the requirements of the Franchise Agreement and Section 851-254 of the Revised Code of Indianapolis and Marion County (Revised Code) and have filed an FCC Form 394 (the Transfer Application) with the City; and

WHEREAS, the Indianapolis-Marion County Cable Franchise Board (Board) has reviewed the Transfer Application and additional information submitted by TWE-A\N, examined the legal, financial and technical qualifications of TWEAN Subsidiary, LLC, considered the Transfer Application and other information listed in Section 851-254 of the Revised Code, and considered the comments given by interested parties; and

WHEREAS, TWEAN Subsidiary LLC has agreed to comply with the terms and conditions of the its Franchise and applicable law from and after the completion of the transfer; and

WHEREAS, TWEAN Subsidiary, LLC has represented to the Board that TWEAN Subsidiary, LLC will continue the financial and community involvement of TWE-A\N; and

WHEREAS, on September 16, 2002, the Board adopted Resolution 6, 2002, which recommended to the City-County the approval of a transfer and the adoption of an ordinance authorizing the transfer of the TWEAN Franchise to TWEAN Subsidiary, LLC, subject to certain reservations; and

WHEREAS, the Council believes it is in the interest of the City to approve the Transfer Application and amend TWEAN Franchise to substitute TWEAN Subsidiary, LLC, as Operator, in accordance with resolution adopted by the Board; now therefore;

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Council, upon the recommendation of the Cable Franchise Board and, in accordance with the TWEAN Franchise, Sec. 851-353 of the Revised Code of the Consolidated City and County, consents to the transfer of ownership of the TWEAN Franchise to TWEAN Subsidiary LLC, including transfer of management control to Advance/Newhouse Partnership as described in FCC Form 394, and amendment of the franchise to substitute the transferee as Operator, upon the execution and delivery of an Assignment And Amendment which complies with Section 2 of this Ordinance.

SECTION 2. The Assignment shall contain substantially the following provisions:

- (1) TWEAN Subsidiary LLC, as substituted Operator, and TWE-A/N are not released from any liability for any defaults or non-compliance by Operator for actions prior to the date of the transfer, including but not limited to the payment of franchise fees on Gross Revenues from the provision of cable modem services over the Cable System, if subsequently determined by competent authority that the same are due under the TWEAN Franchise, and any other fees due as a result of franchise payment audits as provided in the TWEAN Franchise;
- (2) City's consent to this Assignment And Amendment does not either authorize or approve any subsequent transfer of ownership of TWEAN Subsidiary LLC to Advance/Newhouse Partnership or any other party, any such subsequent transfer being subject to the requirements of the Federal law, the applicable city ordinances and the TWEAN Franchise; and
- (3) The Assignment and Amendment shall warrant the completion of the transaction as disclosed in FCC Form 394, that all assets of the Cable System have been transferred to TWEAN Subsidiary LLC in accordance with the FCC Form 394, and the net worth of TWEAN Subsidiary LLC after completion of the transaction will be as represented in FCC Form 394.

SECTION 3. This Ordinance shall be deemed effective upon the delivery of an Assignment And Amendment to the Clerk of the City-County Council, which complies with the requirements of Section 2.

SECTION 4. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14; provided, if the Assignment And Amendment is not delivered by March 1, 2003, this ordinance shall expire and be void.

Councillor Coughenour reported that the Public Works Committee heard Proposal Nos. 459-465 and 503-507, 2002 on October 17, 2002. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 459, 2002. The proposal, sponsored by Councillor Moriarty Adams, authorizes a multi-way stop at 18th Street and Bosart Avenue (District 15). PROPOSAL NO. 460, 2002. The proposal, sponsored by Councillor Smith, authorizes multi-way stops at Bold Ruler Drive and Foolish Pleasure Lane, and at Crystal Water Drive and First Lady Boulevard (District 23). PROPOSAL NO. 461, 2002. The proposal, sponsored by Councillor Schneider, authorizes multi-way stops at intersections in Arrowhead Estates (District 3). PROPOSAL NO. 462, 2002. The proposal, sponsored by Councillor Schneider, authorizes intersection controls at 76th Street Court (E/W Leg) and 76th Street Court (N/S Leg) (District 3). PROPOSAL NO. 463, 2002. The proposal, sponsored by Councillor SerVaas, authorizes intersection controls at 39th Street and Roland Road, and at 39th Street and Rommel Drive (District 2). PROPOSAL NO. 464, 2002. The proposal, sponsored by Councillor Gray, authorizes intersection controls for the Spring Creek Subdivision (District 9). PROPOSAL NO. 465, 2002. The proposal, sponsored by Councillor Douglas, authorizes a change in intersection controls at 35th Street and Butler Avenue (District

10). PROPOSAL NO. 503, 2002. The proposal, sponsored by Councillor Massie, authorizes a traffic signal for Madison Avenue, Nelson Avenue, and K-Mart Access Drive (District 20). PROPOSAL NO. 504, 2002. The proposal, sponsored by Councillors Langsford, Coughenour, and Smith, authorizes a traffic signal for Emerson Avenue at Crystal Flash Entrance located at 4903 South Emerson Avenue (District 23). PROPOSAL NO. 505, 2002. The proposal, sponsored by Councillor Brents, authorizes a multi-way stop at 12th Street and Sheffield Avenue (District 16). PROPOSAL NO. 506, 2002. The proposal, sponsored by Councillor Knox, authorizes a multi-way stop at Auburn Street and Oliver Avenue (District 17). PROPOSAL NO. 507, 2002. The proposal, sponsored by Councillor Black, authorizes parking restrictions on the north side of 42nd Street, from College Avenue west to the first alley (District 6). By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Coughenour moved, seconded by Councillor Moriarty Adams, for adoption. Proposal Nos. 459-465 and 503-507, 2002 were adopted on the following roll call vote; viz:

28 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Talley, Tilford
 0 NAYS:
 1 NOT VOTING: Short

Proposal No. 459, 2002 was retitled GENERAL ORDINANCE NO. 97, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 97, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
 CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
26, Pg. 4	Bosart Av 18 th St	Bosart Av	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
26, Pg. 4	Bosart Av 18 th St	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 460, 2002 was retitled GENERAL ORDINANCE NO. 98, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 98, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
40	Bold Ruler Dr Foolish Pleasure Ln	Foolish Pleasure Ln	Stop
40	Crystal Water Dr First Lady Blvd	First Lady Blvd	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
40	Bold Ruler Dr Foolish Pleasure Ln	None	All Way Stop
40	Crystal Water Dr First Lady Blvd	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 461, 2002 was retitled GENERAL ORDINANCE NO. 99, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 99, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
5	Cree Tr 77 th St	77 th St	Stop
5	Sioux Tr 77 th St	77 th St	Stop
5	Sioux Tr 78 th St	78 th St	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
5	Cree Tr 77 th St	None	All Way Stop
5	Sioux Tr 77 th St	None	All Way Stop
5	Sioux Tr 78 th St	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 462, 2002 was retitled GENERAL ORDINANCE NO. 100, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 100, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
5	76 th St Ct (E/W Leg) 76 th St Ct (N/S Leg)	76 th St Ct (E/W Leg)	Yield

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 463, 2002 was retitled GENERAL ORDINANCE NO. 101, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 101, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
17	39 th St Roland Rd	39 th St	Stop
17	39 th St Rommel Dr	39 th St	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 464, 2002 was retitled GENERAL ORDINANCE NO. 102, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 102, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
9	Moller Rd Spring Creek Dr	Moller Rd	Stop
9	Spring Creek Cir Spring Creek Ct	Spring Creek Ct	Stop
9	Spring Creek Dr Spring Creek Pl	Spring Creek Pl	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 465, 2002 was retitled GENERAL ORDINANCE NO. 103, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 103, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
19	35 th St Butler Av	Butler Av	Yield

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
19	35 th St Butler Av	Butler Av	Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 503, 2002 was retitled GENERAL ORDINANCE NO. 104, 2002, and reads as follows:

October 28, 2002

CITY-COUNTY GENERAL ORDINANCE NO. 104, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
32	Madison Av Nelson Av K-Mart Access Drive	None	Traffic Signal

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 504, 2002 was retitled GENERAL ORDINANCE NO. 105, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 105, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
40	Emerson Av 4903 S. Emerson Av (Entrance to Crystal Flash)	None	Traffic Signal

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 505, 2002 was retitled GENERAL ORDINANCE NO. 106, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 106, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
24	12 th St Sheffield Av	Sheffield Av	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
24	12 th St Sheffield Av	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 506, 2002 was retitled GENERAL ORDINANCE NO. 107, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 107, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
30	Auburn St Oliver Av	Auburn St	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
30	Auburn St Oliver Av	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 507, 2002 was retitled GENERAL ORDINANCE NO. 108, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 108, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

Forty-second Street, on the north side, from College Avenue west to the first alley

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

**FIRE SPECIAL SERVICE DISTRICT COUNCIL
SPECIAL ORDERS - PUBLIC HEARING**

President SerVaas convened the Fire Special Service District Council.

PROPOSAL NO. 496, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 496, 2002 on October 9, 2002. The proposal, sponsored by Councillors Dowden and Moriarty Adams, approves an increase of \$2,500 in the 2002 Budget of the Department of Public Safety, Fire Division (Non-Lapsing Federal Grants Fund) to support the Permanent Fitting Stations (PFS) project at IFD Station #30, a program to educate citizens on the proper installation and use of carseats, financed by a federal grant. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 9:39 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 496, 2002 was adopted on the following roll call vote; viz:

24 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gray, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, SerVaas, Soards, Talley, Tilford

0 NAYS:

5 NOT VOTING: Gibson, Horseman, Schneider, Short, Smith

Proposal No. 496, 2002 was retitled FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 5, 2002, and reads as follows:

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 5, 2002

A FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the Fire Special Service District Budget for 2002 (Fire Special Service District Ordinance No. 4, 2001) appropriating an additional Two Thousand Five Hundred Dollars (\$2,500) in the Non-Lapsing Federal Grants Fund for purposes of the Department of Public Safety, Fire Division, and reducing the unappropriated and unencumbered balance in the Non-Lapsing Federal Grants Fund

**BE IT ORDAINED BY THE FIRE SPECIAL SERVICE DISTRICT COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 of the City-County Fire Special Service District Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Fire Division to support the Permanent Fitting Stations (PFS) project at IFD Station #30, a program to educate citizens on the proper installation and use of car seats.

SECTION 2. The sum of Two Thousand Five Hundred Dollars (\$2,500) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC SAFETY

FIRE DIVISION

- 2. Materials and Supplies
- 3. Other Services and Charges
- TOTAL INCREASE

NON-LAPSING FEDERAL GRANTS FUND

2,400
60
2,500

SECTION 4. The said additional appropriation is funded by the following reductions:

NON-LAPSING FEDERAL GRANTS FUND

- Unappropriated and Unencumbered
- Non-Lapsing Federal Grants Fund
- TOTAL REDUCTION

2,500
2,500

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

President SerVaas reconvened the City-County Council.

NEW BUSINESS

PROPOSAL NO. 536, 2002. The proposal, sponsored by Councillor McWhirter, appoints Bobby Britt to the Common Construction Wage Committee for Wayne Township. Councillor McWhirter moved, seconded by Councillor Bainbridge, for adoption. Proposal No. 536, 2002 was adopted on the following roll call vote; viz:

28 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Soards, Talley, Tilford

0 NAYS:

1 NOT VOTING: Smith

Proposal No. 536, 2002 was retitled COUNCIL RESOLUTION NO. 85, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 85, 2002

A COUNCIL RESOLUTION appointing Bobby Britt to the Common Construction Wage Committee for Wayne Township.

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. As a member of the Common Construction Wage Committee for Wayne Township, the Council appoints:

Bobby Britt

SECTION 2. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and qualifies.

President SerVaas, having resigned as President, passed the gavel to General Counsel Robert Elrod for election of officers.

Mr. Elrod opened the floor for nominations for President of the Council. Councillor Short nominated Councillor Boyd for President. Councillor Gray seconded the nomination. Councillor Massie nominated Councillor Borst for President. Councillor Langsford seconded the nomination. Councillor Short moved, seconded by Councillor Talley, to close nominations. Nominations were closed by a unanimous voice vote. Mr. Elrod stated that a "yea" vote will signify a vote for Councillor Borst as President of the Council, and a "nay" vote will signify a vote for Councillor Boyd. The motion failed, thereby failing to elect a President, on the following roll call vote; viz:

14 YEAS: Bainbridge, Borst, Bradford, Cockrum, Coonrod, Coughenour, Dowden, Langsford, Massie, McWhirter, Schneider, SerVaas, Soards, Tilford

14 NAYS: Black, Boyd, Brents, Conley, Douglas, Gibson, Gray, Horseman, Knox, Moriarty Adams, Nytes, Sanders, Short, Talley

1 NOT VOTING: Smith

Councillor Horseman asked why Councillor SerVaas was allowed to vote following his resignation. Mr. Elrod said that Councillor SerVaas simply retired as President and continues to serve as a member of this body with voting rights until November 8, 2002. Councillor Horseman asked what happens now, since a President has not been elected. Mr. Elrod said that the Vice President will continue to serve until a President is legally elected and that position is filled.

Mr. Elrod passed the gavel to Vice President Borst.

ANNOUNCEMENTS AND ADJOURNMENT

The Vice President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by Councillor Talley in memory of Roslyn Clark Jeter and Leon Reid, Jr.

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Roslyn Clark Jeter and Leon Reid, Jr. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the family advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:48 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 28th day of October, 2002.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

Philip C. Burt DVM

Vice President

ATTEST:

Peggy Stawick

Assistant Clerk of the Council

(SEAL)

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, NOVEMBER 11, 2002**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:09 p.m. on Monday, November 11, 2002, with Vice President Borst presiding.

Councillor Short led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

OATH OF OFFICE

Suellen Hart, Clerk of the Council, administered the oath of office for new Councillor Sean Frick, who was elected by precinct committeemen to fill the vacancy left by Councillor Beurt SerVaas. Vice President Borst welcomed Councillor Frick as a member of the Council.

ROLL CALL

Vice President Borst instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

28 PRESENT: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gibson, Gray, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford
1 ABSENT: Horseman

A quorum of twenty-eight members being present, the Vice President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Smith recognized Indianapolis Police Department (IPD) members who are in attendance this evening asking the City to come back to the bargaining table for negotiations on contracts. Councillor Cockrum thanked the Indianapolis Parks Foundation for the reception they provided for Councillors this evening. He also recognized Carlton Headworth, Advocacy Committee board member. Councillor Massie recognized Senator Larry Borst, his wife Eldoris,

and his daughter Liz. Councillor Schneider introduced Councillor Frick's wife, Tracy. Councillor Bradford recognized Indianapolis Water Company retirees and members of Local 131 Union in attendance this evening to show their support of a proposal that is being introduced tonight regarding the Water Company. Councillor Borst recognized long-time friend and fellow Purdue University graduate, Randy Shield.

OFFICIAL COMMUNICATIONS

Vice President Borst called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, November 11, 2002, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Philip Borst
Vice President, City-County Council

October 29, 2002

TO PRESIDENT SERVAAS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* on Wednesday, October 30, 2002, and in the *Indianapolis Star* on Thursday, October 31, 2002, a copy of a Notice of Public Hearing on Proposal Nos. 456, 525, 528-530, 533, 534, 537, and 538, 2002, said hearing to be held on Monday, November 11, 2002, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Peggy Stawick
Assistant Clerk of the City-County Council

November 8, 2002

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Suellen Hart, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 120, 2002 - approves an increase of \$575,000 in the 2002 Budget of the Department of Parks and Recreation (Transportation General Fund) to pay for the collection and removal of trees and related debris from public rights-of-way resulting from the tornadoes of September 20, 2002, financed by fund balances

FISCAL ORDINANCE NO. 121, 2002 - approves an increase of \$168,750 in the 2002 Budget of the Department of Parks and Recreation (City Cumulative Capital Development Fund) to fund the DPR portion of payment for Cottonwood Lakes at approximately 8900 South Mann Road, as well as complete the purchase of the Mann Property, making Southwestway Park the second largest park in Marion County, financed by fund balances

FISCAL ORDINANCE NO. 128, 2002 - approves a transfer of \$70,000 in the 2002 Budget of the Department of Public Safety, Animal Care and Control Division (Consolidated County Fund) to pay for additional animal supplies and clothing supplies for new field and kennel employees, and to fund a consultant study of the Care and Control sections of this division

November 11, 2002

GENERAL ORDINANCE NO. 94, 2002 - requires that proposals for fiscal ordinances, other than those funded by a grant with no matching funds, must include both the previous year's closing fund balance and a projection of the current year's ending fund balance

GENERAL ORDINANCE NO. 95, 2002 - codifies the salaries of elected and appointed officials and fixes the salaries of county employees for calendar year 2003

GENERAL ORDINANCE NO. 96, 2002 - amends the Deferred Compensation Plan of the City and County

GENERAL ORDINANCE NO. 97, 2002 - authorizes a multi-way stop at 18th Street and Bosart Avenue (District 15)

GENERAL ORDINANCE NO. 98, 2002 - authorizes multi-way stops at Bold Ruler Drive and Foolish Pleasure Lane, and at Crystal Water Drive and First Lady Boulevard (District 23)

GENERAL ORDINANCE NO. 99, 2002 - authorizes multi-way stops at intersections in Arrowhead Estates (District 3)

GENERAL ORDINANCE NO. 100, 2002 - authorizes intersection controls at 76th Street Court (E/W Leg) and 76th Street Court (N/S Leg) (District 3)

GENERAL ORDINANCE NO. 101, 2002 - authorizes intersection controls at 39th Street and Roland Road, and at 39th Street and Rommel Drive (District 2)

GENERAL ORDINANCE NO. 102, 2002 - authorizes intersection controls for the Spring Creek Subdivision (District 9)

GENERAL ORDINANCE NO. 103, 2002 - authorizes a change in intersection controls at 35th Street and Butler Avenue (District 10)

GENERAL ORDINANCE NO. 104, 2002 - authorizes a traffic signal for Madison Avenue, Nelson Avenue, and K-Mart Access Drive (District 20)

GENERAL ORDINANCE NO. 105, 2002 - authorizes a traffic signal for Emerson Avenue at Crystal Flash Entrance located at 4903 South Emerson Avenue (District 23)

GENERAL ORDINANCE NO. 106, 2002 - authorizes a multi-way stop at 12th Street and Sheffield Avenue (District 16)

GENERAL ORDINANCE NO. 107, 2002 - authorizes a multi-way stop at Auburn Street and Oliver Avenue (District 17)

GENERAL ORDINANCE NO. 108, 2002 - authorizes parking restrictions on the north side of 42nd Street, from College Avenue west to the first alley (District 6)

SPECIAL ORDINANCE NO. 6, 2002 - authorizes the transfer of control of Cable Television Franchise from Time Warner Entertainment-Advance Newhouse Partnership to TWEAN Subsidiary, LLC

GENERAL RESOLUTION NO. 11, 2002 - approves the issuance of "City of Indianapolis, Indiana, Redevelopment District Annual Appropriation Revenue Bonds of 2002," in an original aggregate issued amount not to exceed Five Million Dollars to complete necessary improvements in the 82 acre Martindale Brightwood Industrial Development Area/Keystone Enterprise Park located at I-70 and Keystone Avenue

SPECIAL RESOLUTION NO. 66, 2002 - commends Washington Township Schools Superintendent Dr. Eugene G. White for his bold initiative to improve student achievement at North Central High School

SPECIAL RESOLUTION NO. 67, 2002 - concerns the "One Book, One City - Indy's Choice" program

SPECIAL RESOLUTION NO. 68, 2002 - recognizes the 40 years of Council service by Dr. Beurt R. SerVaas

SPECIAL RESOLUTION NO. 69, 2002 - determines the need to lease office space at 251 East Ohio Street for use by the County Prosecutor's office

SPECIAL RESOLUTION NO. 70, 2002 - determines the need to purchase approximately 92 acres of real property at 8605 Mann Road for the use of the Department of Parks and Recreation

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 5, 2002 - approves an increase of \$2,500 in the 2002 Budget of the Department of Public Safety, Fire Division (Non-Lapsing Federal Grants Fund) to support the Permanent Fitting Stations (PFS) project at IFD Station #30, a program to educate citizens on the proper installation and use of carseats, financed by a federal grant

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

Vice President Borst proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

Vice President Borst called for additions or corrections to the Journal of October 28, 2002. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 568, 2002. The proposal, sponsored by Councillor Borst, recognizes the outstanding community service of William K. McGowan, Jr. of the Indianapolis Convention and Visitors Association. Mr. McGowan thanked the Council for the recognition. Councillor Boyd said that he once witnessed Mr. McGowan picking up someone else's litter in the middle of the street, and even the small contributions he has made to this City have not gone unnoticed. Councillor Borst moved, seconded by Councillor Boyd, for adoption. Proposal No. 568, 2002 was adopted by a unanimous voice vote.

Proposal No. 568, 2002 was retitled SPECIAL RESOLUTION NO. 71, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 71, 2002

A SPECIAL RESOLUTION recognizing the outstanding community service of William K. McGowan, Jr., of the Indianapolis Convention and Visitors Association.

WHEREAS, William K. (Bill) McGowan, Jr. was the President and Chief Executive Officer of the 79-year-old Indianapolis Convention and Visitors Association from when the RCA Dome opened until earlier this year when he stepped down to Vice Chairman until the end of the year when he retires; and

WHEREAS, during his years at the ICVA helm, he was a key player in helping market the city as a destination for conventions, meetings, trade shows, special events, group tours, and pleasure travel, with an industry local annual impact now of \$1.5 billion and 47,000 full-time equivalent jobs; and

WHEREAS, Bill is proud that Indy successfully bid on, and conducted the NCAA Men's Final Four Tournaments in 1980, 1991, 1997, and 2000, and has been hard at work to win the Final Four bid again in 2006; and

WHEREAS, his list of honors and organizations is a page long in small print, but two common threads of the Official Irishman of the Year are: Indianapolis, and that university in St. Joseph County with a trademark golden dome; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the nearly two decades of competent and successful work of William K. McGowan, Jr. as the head of the Indianapolis Convention and Visitors Association.

SECTION 2. Now maybe he can just relax at a good Pacers, Colts, Speedway, and Fighting Irish game, and spend a little more time with his wife Joan, and their three children and six grandchildren.

SECTION 3. The Council wishes Bill and his family the very best in the years ahead, and just maybe we can tap his extensive reservoir of knowledge for a special project from time to time in the future.

SECTION 4. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 541, 2002. Councillor Borst reported that the Public Safety and Criminal Justice Committee heard Proposal No. 541, 2002 on October 29, 2002. The proposal, sponsored by Councillors Dowden and Borst, appoints Judy Singleton to the Animal Care and Control Board. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Massie, for adoption. Proposal No. 541, 2002 was adopted by a unanimous voice vote.

Proposal No. 541, 2002 was retitled COUNCIL RESOLUTION NO. 86, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 86, 2002

A COUNCIL RESOLUTION appointing Judy Singleton to the Animal Care and Control Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Animal Care and Control Board, the Council appoints:

Judy Singleton

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2003. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Vice President Borst passed the gavel to General Counsel Robert Elrod.

ELECTION OF OFFICERS

Mr. Elrod stated that nominations for President of the Council were made at the last meeting for Councillors Borst and Boyd. He asked for motions to open the floor for more nominations. Councillor Boyd said that he would like to withdraw his nomination for President. There being no objection, Councillor Boyd's nomination was withdrawn. There were no motions to open the floor for further nominations, and Councillor Borst was elected as Council President by the following roll call vote; viz:.

23 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Dowden, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford
5 NAYS: Douglas, Gibson, Gray, Nytes, Sanders
1 ABSENT: Horseman

Councillor Borst thanked the members for their faith in him and said that he will try to serve fairly and competently.

Having elected Councillor Borst as President, Mr. Elrod said that there is now a vacancy in the position of Vice President. He opened the floor for nominations for Vice President of the Council. Councillor Short nominated Councillor Moriarty Adams for Vice President. Councillor Talley seconded the nomination. Councillor Soards nominated Councillor Coughenour for Vice President. Councillor McWhirter seconded the nomination. Councillor Bainbridge moved,

seconded by Councillor Talley, to close nominations. Nominations were closed by a unanimous voice vote. Mr. Elrod stated that a "yea" vote will signify a vote for Councillor Coughenour as Vice President of the Council, and a "nay" vote will signify a vote for Councillor Moriarty Adams. Councillor Coughenour was elected as Council Vice President by the following roll call vote; viz:

15 YEAS: Bainbridge, Borst, Bradford, Cockrum, Coonrod, Coughenour, Dowden, Frick, Langsford, Massie, McWhirter, Schneider, Smith, Soards, Tilford
13 NAYS: Black, Boyd, Brents, Conley, Douglas, Gibson, Gray, Knox, Moriarty Adams, Nytes, Sanders, Short, Talley
1 ABSENT: Horseman

Councillor Coughenour thanked the members for supporting her and said that she will try to do a good job in the position.

Mr. Elrod stated that he has certification that Councillor Coughenour has been selected as leader of the Republican Caucus.

Mr. Elrod returned the gavel to President Borst.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 556, 2002. Introduced by Councillor Sanders. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves of temporary tax anticipation borrowing for the City of Indianapolis during the period from January 1, 2003, through December 31, 2003"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 557, 2002. Introduced by Councillor Sanders. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves of temporary tax anticipation borrowing for Marion County, Indiana, during the period from January 1, 2003, through December 31, 2003"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 558, 2002. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$4,875,880 in the 2002 Budget of the County Auditor (County General Fund) to fund the increase in health insurance premiums, funded by fund balances"; and the President referred it to the Administration and Finance Committee.

Councillor McWhirter made the following motion:

Mr. President:

I move to suspend the requirements of Sec. 151-76 of the Council Rules as to Proposal No. 558, 2002, and authorize the Clerk to advertise the same for public hearing before this Council at its meeting on November 25, 2002.

Councillor Coughenour seconded the motion, and the Rules were suspended by a unanimous voice vote.

PROPOSAL NO. 559, 2002. Introduced by Councillors Cockrum and Douglas. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$400,000 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) to fund

staffing for two year-round swimming pools (Forest Manor and Washington Middle Schools) unanticipated in the 2002 budget, as well as overtime needs for storm clean-up from September 20, 2002"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 560, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$70,000 in the 2002 Budget of the County Sheriff (Cumulative Capital Development Fund) for the purchase of three transportation vans, financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 561, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$500,000 in the 2002 Budget of the County Sheriff (County General Fund) to provide for the shortage of money in the 2002 budget for gasoline"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 562, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$40,560 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) to fund an additional appropriation for the Probation Department so they may expand their ability to assist in the process of screening and tracking Community Transition Program offenders, funded by a state grant (Department of Correction, Community Correction Grant Program)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 563, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$102,024 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) to fund additional work release beds and day reporting slots, and rescinds Fiscal Ordinance No. 67, 2002, due to incorrect transfer of dollar amount"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 564, 2002. Introduced by Councillors Coughenour and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$220,000 in the 2002 Budget of the Department of Public Works, (Transportation General Fund) to fund overtime hours used to clean up after the storms of September 20, 2002, financed by fund balances"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 565, 2002. Introduced by Councillors Coughenour and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$250,000 in the 2002 Budget of the Department of Public Works, Operation Division (Transportation General Fund) to pay for renovation to the silk screen room within the sign paint shop to improve ventilation and to construct a pole barn for equipment storage"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 566, 2002. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves a schedule of regular council meetings for the year 2003"; and the President referred it to the Committee of the Whole Council.

PROPOSAL NO. 567, 2002. Introduced by Councillors Bradford and Schneider. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which recommends that the city's

purchase of the Indianapolis Water Company be rescinded"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 570, 2002. Introduced by Councillors Talley and Smith. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which requests the Metropolitan Development Commission to consider certain amendments to permit an exemption for signage in any zoning district related to not-for-profit activities"; and the President referred it to the Metropolitan Development Committee.

President Borst encouraged Council members to review Proposal No. 566, 2002 thoroughly before the next meeting, which is the schedule of Council meetings for next year.

Councillor Schneider asked to be added as a co-sponsor on Proposal No. 567, 2002. Consent was given.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 569, 2002. Introduced by Councillor Smith. Proposal No. 569, 2002 is a proposal for a Rezoning Ordinance certified by the Metropolitan Development Commission on October 31, 2002. The President called for any motions for public hearings on this zoning map change. There being no motions for public hearings, the proposed ordinance, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, was retitled for identification as REZONING ORDINANCE NO. 150, 2002, the original copy of which ordinance is on file with the Metropolitan Development Commission, which was certified as follows:

REZONING ORDINANCE NO. 150, 2002.

2001-ZON-041

9901 FALL CREEK ROAD (approximate address), INDIANAPOLIS.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 5

DAVIS HOMES, L.L.C., by Thomas Michael Quinn, requests a rezoning of 4.17 acres, being in the D-P (W-1)(FF) District, to the C-1 (W-1)(FF) classification.

SPECIAL ORDERS - PUBLIC HEARING

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 456 and 530, 2002 on October 9 and 29, 2002, respectively. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 456, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$45,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (County General Fund) to increase funding in the food budget for the remainder of 2002, funded by revenues from the School Lunch Program. PROPOSAL NO. 530, 2002. The proposal, sponsored by Councillors Dowden, Talley, and Douglas, approves an increase of \$461,000 in the 2002 Budget of the Office of the Controller (Consolidated County General Fund) to cover the cost of up to 98 jail beds from September through December, financed by fund balances. By unanimous votes, the Committee reported Proposal No. 456, 2002 to the Council with the recommendation that it do pass as amended and Proposal No. 530, 2002 to the Council with the recommendation that it do pass.

President Borst called for public testimony at 7:43 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Talley, for adoption. Proposal No. 456, 2002, as amended, and Proposal No. 530, 2002 were adopted on the following roll call vote; viz:

26 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gibson, Gray, Knox, Langsford, Massie, McWhirter, Moriarty, Adams, Nytes, Sanders, Schneider, Smith, Soards, Talley, Tilford

0 NAYS:

2 NOT VOTING: Bradford, Short

1 ABSENT: Horseman

Proposal No. 456, 2002, as amended, was retitled FISCAL ORDINANCE NO. 129, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 129, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Forty-five Thousand Dollars (\$45,000) in the County General Fund for purposes of the Marion County Superior Court, Juvenile Division, and reducing the unappropriated and unencumbered balance in the County General Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(j) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court, Juvenile Division, to increase funding for the school lunch program for the remainder of 2002.

SECTION 2. The sum of Forty-five Thousand Dollars (\$45,000) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SUPERIOR COURT, JUVENILE DIVISION</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	<u>45,000</u>
TOTAL INCREASE	45,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered	
County General Fund	<u>45,000</u>
TOTAL REDUCTION	45,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 530, 2002 was retitled FISCAL ORDINANCE NO. 130, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 130, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating Four Hundred Sixty-one Thousand Dollars (\$461,000) in the Consolidated County General Fund for purposes of the Office of the City Controller and reducing the unappropriated and unencumbered balance in the Consolidated County General Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(f) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Office of the City Controller to cover the cost of up to 98 jail beds from September through December.

SECTION 2. The sum of Four Hundred Sixty-one Thousand Dollars (\$461,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>OFFICE OF THE CITY CONTROLLER</u>	<u>CONSOLIDATED COUNTY GENERAL FUND</u>
3. Other Services and Charges	461,000
TOTAL INCREASE	461,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>CONSOLIDATED COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered	
Consolidated County General Fund	461,000
TOTAL DECREASE	461,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 525, 2002. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 525, 2002 on November 4, 2002. The proposal, sponsored by Councillors Smith and Douglas, approves an increase of \$365,000 in the 2002 Budget of the Department of Metropolitan Development (Federal Grants and Non-Lapsing State Grants Funds) to fund engineering costs for the clay cap for the Special Soils Area of the Keystone Enterprise Park as well as Phase II environmental assessment costs for the same area, financed by federal and state grants (Brownfield Economic Development Initiative and Indiana Development Finance Authority). By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Borst called for public testimony at 7:44 p.m. There being no one present to testify, Councillor Smith moved, seconded by Councillor Douglas, for adoption. Proposal No. 525, 2002 was adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gibson, Gray, Knox, Langsford, Massie, McWhirter, Moriarty, Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford
0 NAYS:
1 NOT VOTING: Bradford
1 ABSENT: Horseman

Proposal No. 525, 2002 was retitled FISCAL ORDINANCE NO. 131, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 131, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating Three Hundred Sixty-five Thousand Dollars (\$365,000) in the Federal and State Non-Lapsing Grants Funds for purposes of the Department of Metropolitan Development and reducing the unappropriated and unencumbered balances in the Federal Grants and Non-Lapsing State Grants Funds.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (l) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan

Development to fund engineering costs for the clay cap for the Special Soils Area of the Keystone Enterprise Park as well as Phase II environmental assessment costs for the same area.

SECTION 2. The sum of Three Hundred Sixty-five Thousand Dollars (\$365,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	<u>FEDERAL GRANTS FUND</u>
4. Capital Outlay	<u>315,000</u>
TOTAL INCREASE	315,000

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	<u>NON-LAPSING STATE GRANTS FUND</u>
3. Other Services and Charges	<u>50,000</u>
TOTAL INCREASE	50,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>315,000</u>
TOTAL REDUCTION	315,000

	<u>NON-LAPSING STATE GRANTS FUND</u>
Unappropriated and Unencumbered	
Non-Lapsing State Grants Fund	<u>50,000</u>
TOTAL REDUCTION	50,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Coughenour reported that the Public Works Committee heard Proposal Nos. 533 and 534, 2002 on November 7, 2002. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 533, 2002. The proposal, sponsored by Councillors Coughenour and Knox, approves an increase of \$4,236,000 in the 2002 Budget of the Department of Public Works, Engineering Division (Redevelopment District Capital Projects Fund and Transportation General Fund) to provide the local match and inspection fees for several projects, financed by fund balances. PROPOSAL NO. 534, 2002. The proposal, sponsored by Councillors Coughenour and Knox, approves an increase of \$80,000 in the 2002 Budget of the Department of Public Works, Engineering Division (Transportation General Fund) to study four intersections for potential operational and safety improvements, financed by a grant from State Farm Insurance Company. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President Borst called for public testimony at 7:48 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Knox, for adoption. Proposal Nos. 533 and 534, 2002 were adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gibson, Gray, Knox, Langsford, Massie, McWhirter, Moriarty, Adams, Nyles, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford

0 NAYS:

1 NOT VOTING: Bradford

1 ABSENT: Horseman

Proposal No. 533, 2002 was retitled FISCAL ORDINANCE NO. 132, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 132, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating an additional Four Million Two Hundred Thirty-six Thousand Dollars (\$4,236,000) in the Redevelopment District Capital Projects Fund and the Transportation General Fund for purposes of the Department of Public Works, Engineering Division, and reducing the unappropriated and unencumbered balance in the Redevelopment District Capital Projects Fund and the Transportation General Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (j) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Engineering Division, to provide the local match and inspection fees for several projects.

SECTION 2. The sum of Four Million Two Hundred Thirty-six Thousand Dollars (\$4,236,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4

SECTION 3. The following increased appropriation is hereby approved:

DEPARTMENT OF PUBLIC WORKS

ENGINEERING DIVISION

3. Other Services and Charges
4. Capital Outlay
TOTAL INCREASE

REDEVELOPMENT DISTRICT CAPITAL PROJECTS FUND

30,000
106,000
136,000

DEPARTMENT OF PUBLIC WORKS

ENGINEERING DIVISION

4. Capital Outlay
TOTAL INCREASE

TRANSPORTATION GENERAL FUND

4,100,000
4,100,000

SECTION 4. The said additional appropriation is funded by the following reductions:

REDEVELOPMENT DISTRICT CAPITAL PROJECTS FUND

Unappropriated and Unencumbered
Redevelopment District Capital Projects Fund
TOTAL DECREASE

136,000
136,000

TRANSPORTATION GENERAL FUND

Unappropriated and Unencumbered
Transportation General Fund
TOTAL DECREASE

4,100,000
4,100,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 534, 2002 was retitled FISCAL ORDINANCE NO. 133, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 133, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating an additional Eighty Thousand Dollars (\$80,000) in the Transportation General Fund for purposes of the Department of Public Works, Engineering Division and reducing the unappropriated and unencumbered balance in the Transportation General Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(j) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Engineering Division to study four intersections for potential operational and safety improvements, financed by a grant from State Farm Insurance Company.

SECTION 2. The sum of Eighty Thousand Dollars (\$80,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4

SECTION 3. The following increased appropriation is hereby approved:

DEPARTMENT OF PUBLIC WORKS

ENGINEERING DIVISION

3. Other Services and Charges
TOTAL INCREASE

TRANSPORTATION GENERAL FUND

80,000
80,000

SECTION 4. The said additional appropriation is funded by the following reductions:

TRANSPORTATION GENERAL FUND

Unappropriated and Unencumbered
Transportation General Fund
TOTAL DECREASE

80,000
80,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 537, 2002. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 537, 2002 on October 29, 2002. The proposal, sponsored by Councillor Brents, approves the proposed refinancing of portions of Consolidated Redevelopment Area debt. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor McWhirter moved, seconded by Councillor Coughenour, to amend Proposal No. 537, 2002 in the seventh "Whereas" clause, first line, to read, "Whereas, the Commission plans to adopt." She said that the Commission was not able to adopt by this meeting, but must still do so before refinancing can occur. Proposal No. 537, 2002 was amended by a unanimous voice vote.

President Borst called for public testimony at 7:51 p.m. There being no one present to testify, Councillor McWhirter moved, seconded by Councillor Brents, for adoption. Proposal No. 537 2002, as amended, was adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gibson, Gray, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford

0 NAYS:

1 NOT VOTING: Bradford

1 ABSENT: Horseman

Proposal No. 537, 2002, as amended, was retitled GENERAL RESOLUTION NO. 12, 2002, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 12, 2002

A GENERAL RESOLUTION (i) approving the issuance of special taxing district bonds of the Redevelopment District of the City of Indianapolis, Indiana, in one or more series or issues, payable solely from taxes on real property and certain personal property of designated taxpayers located in the Consolidated Redevelopment Allocation Area allocated and deposited into the Consolidated Redevelopment Allocation Area Special Fund pursuant to the provisions of Indiana Code 36-7-15.1-26 and from other revenues of the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana, if any pledged pursuant to Indiana Code 36-7-15.1-17.5(c); and (ii) approving other matters related thereto.

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the "Commission"), has previously created the Consolidated Redevelopment Area (the "Area"), pursuant to the provisions of Indiana Code 36-7-15.1; and

WHEREAS, the City of Indianapolis, Indiana (the "City"), has previously issued its City of Indianapolis Redevelopment District Tax Increment Revenue Bonds of 1992, Series A, in the original aggregate principal amount of Two Hundred Ninety-Three Million Five Hundred Thousand Dollars (\$293,500,000), pursuant to Resolution No. 92-146, adopted by the Commission on November 10, 1992 (the "Series 1992 Bonds"); and

WHEREAS, the City has previously issued its City of Indianapolis Redevelopment District Subordinate Tax Increment Revenue Refunding Bonds of 1999, Series A, in the original aggregate issued amount of Ninety-Nine Million Five Hundred Fifty-Five Thousand One Hundred Twenty-Four Dollars and Ninety-Five Cents (\$99,555,124.95), pursuant to Resolution No. 99-D-037, adopted by the Commission on July 7, 1999 (the "Series 1999 Bonds"), a portion of the proceeds of which were used to effect the current refunding of the Series 1992 Bonds which matured on February 1, 2022; and

WHEREAS, the City has previously issued its City of Indianapolis Redevelopment District Limited Recourse Taxable Refunding Notes, Series A, in the original aggregate principal amount of Thirty-Six Million Four Hundred Sixty-Two Thousand Five Hundred Ninety-Eight Dollars and Forty-Four Cents (\$36,462,598.44), pursuant to Resolution No. 00-D-48 adopted by the Commission on July 5, 2000 (the "Series 2000 Taxable Notes"), the proceeds of which were used to effect the current refunding of the City of Indianapolis Redevelopment District Junior Subordinate Limited Recourse Refunding Notes, Series 1998A, the proceeds of which were used to effect the refunding of the City of Indianapolis Redevelopment District Project and Subordinated Tax Increment Revenue Bond of 1988, Series B; and

WHEREAS, on March 7, 2001, the Commission adopted a First Supplemental and Amendatory Bond Resolution (Resolution No. 01-B-010) (the "2001 Bond Resolution") authorizing the issuance of special taxing district bonds of the Redevelopment District of the City of Indianapolis, Indiana (the "District"), in one or more series or issues (the "2002A Refunding Bonds"), the principal of and interest on which are payable solely from taxes on real property and certain personal property of designated taxpayers located in the Consolidated Redevelopment Allocation Area (the "Allocation Area") allocated and deposited into the Consolidated Redevelopment Allocation Area Special Fund (the "Allocation Fund") pursuant to the provisions of Indiana Code 36-7-15.1-26 and from other revenues of the Commission, if any, pledged pursuant to Indiana Code 36-7-15.1-17.5(c), which 2002A Refunding Bonds are to rank subordinate to the Series 1992 Bonds and on parity with the Series 1999 Bonds, for the purpose of procuring funds to be applied to the cost of refunding all or a portion of the Series 1992 Bonds maturing on February 1, 2020, together with expenses associated therewith and expenses in connection with or on account of the issuance of the 2002A Refunding Bonds therefor (collectively, the "1992 Refunding"); and

WHEREAS, on November 6, 2002, the Commission adopted an Amended and Restated First Supplemental and Amendatory Bond Resolution (the "Amended and Restated Bond Resolution") which amends the 2001 Bond Resolution to permit the issuance of additional special taxing district bonds of the District, in one or more series or issues (the "2002B Refunding Bonds"), the principal of and interest on which are payable solely from taxes on real property and certain personal property of designated taxpayers located in the Allocation Area allocated and deposited into the Allocation Fund pursuant to the provisions of Indiana Code 36-7-15.1-26 and from other revenues of the Commission, if any, pledged pursuant to Indiana Code 36-7-15.1-17.5(c), which 2002B Refunding Bonds are to rank subordinate to the Series 1992 Bonds and on parity with the Series 1999 Bonds and the 2002A Refunding Bonds, if issued, for the purpose of procuring funds to be applied to the cost of refunding all or a portion of the Series 1999 Bonds maturing on February 1, 2029, together with expenses associated therewith and

expenses in connection with or on account of the issuance of 2002B Refunding Bonds therefor (collectively, the "1999 Refunding"); and

WHEREAS, the Commission plans to adopt a 2002 Amended and Restated Junior Subordinate Final Bond Resolution (the "Junior Subordinate Bond Resolution"), which amends and restates the 1998 Junior Subordinate Final Bond Resolution (Resolution No. 98-D-82) of the Commission, to permit the issuance of additional special taxing district bonds or notes of the District, in one or more series or issues (the "2002 Taxable Refunding Bonds"), the principal of and interest on which are payable solely from taxes on real property and certain personal property of designated taxpayers located in the Allocation Area allocated and deposited into the Allocation Fund pursuant to the provisions of Indiana Code 36-7-15.1-26 and from other revenues of the Commission, if any, pledged pursuant to Indiana Code 36-7-15.1-17.5(c), which 2002 Taxable Refunding Bonds are to rank subordinate to the Series 1992 Bonds, the Series 1999 Bonds, the 2002A Refunding Bonds and the 2002B Refunding Bonds, for the purpose of procuring funds to be applied to the cost of refunding the Series 2000 Taxable Notes, together with expenses associated therewith and expenses in connection with or on account of the issuance of the 2002 Taxable Refunding Bonds therefor (collectively, the "2000 Taxable Refunding"); and

WHEREAS, the 2002A Refunding Bonds, the 2002B Refunding Bonds and the 2002 Taxable Refunding Bonds are currently anticipated to be sold to The Indianapolis Local Public Improvement Bond Bank (the "Bond Bank") pursuant to the provisions of Indiana Code 5-1.4, and the Bond Bank anticipates purchasing the 2002A Refunding Bonds, the 2002B Refunding Bonds and the 2002 Taxable Refunding Bonds with the proceeds from the issuance of one or more series of the Bond Bank's Bonds (the "Bond Bank Bonds"), which Bond Bank Bonds may be secured by one more debt service reserve funds established by the Bond Bank that will be subject to Indiana Code 5-1.4-5-1 and Special Ordinance 67, 85 of the City-County Council; and

WHEREAS, on March 8, 2001, this City-County Council adopted City-County General Resolution No. 1, 2001 (the "2001 Council Resolution") approving the issuance of the 2002A Refunding Bonds; and

WHEREAS, the Commission has requested the approval by the City-County Council of the issuance of the 2002B Refunding Bonds and the 2002 Taxable Refunding Bonds pursuant to Indiana Code 36-3-5-8, and the City-County Council now finds that the issuance of the 2002B Refunding Bonds and the 2002 Taxable Refunding Bonds should be approved; now therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council does hereby approve (i) the Amended and Restated Bond Resolution; and (ii) the issuance of the 2002B Refunding Bonds of the District, in one or more series or issues, payable solely from taxes on real property and personal property of certain designated taxpayers located in the Allocation Area allocated and deposited into the Allocation Fund pursuant to the provisions of Indiana Code 36-7-15.1-26 and from other revenues of the Commission, if any, pledged pursuant to Indiana Code 36-7-15.1-17.5(c), in an original aggregate principal amount not to exceed Thirty-Five Million Dollars (\$35,000,000), which amount does not exceed the estimated costs of the 1999 Refunding.

SECTION 2. The City-County Council does hereby approve (i) the form of 2002 Junior Subordinate Bond Resolution; and (ii) the issuance of the 2002 Taxable Refunding Bonds of the District, in one or more series or issues, payable solely from taxes on real property and personal property of certain designated taxpayers located in the Allocation Area allocated and deposited into the Allocation Fund pursuant to Indiana Code 36-7-15.1-26 and from other revenues of the Commission, if any, pledged pursuant to Indiana Code 36-7-15.1-17.5(c), in an original aggregate principal amount not to exceed Forty Million Dollars (\$40,000,000), which amount does not exceed the estimated costs of the 2000 Taxable Refunding.

SECTION 3. The City-County Council does hereby acknowledge that the Bond Bank Bonds may be supported by one or more debt service reserve funds that will be subject to the provisions of Indiana Code 5-1.4-5-1 and Special Ordinance 67, 85 of this City-County Council.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with Indiana Code 36-3-4-14, 36-3-4-15 and 36-3-4-16.

PROPOSAL NO. 538, 2002. The proposal, sponsored by Councillors Nytes and McWhirter, approves the issuance of TIF bonds to repay 2001 BAN for Fall Creek Place (Home Ownership Zone). Councillor McWhirter reported that the Administration and Finance Committee has not

yet heard Proposal No. 538, 2002, and she moved, seconded by Councillor Nytes, to postpone the proposal until November 25, 2002. Proposal No. 538, 2002 was postponed until November 25, 2002 by a unanimous voice vote.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 526, 2002. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 526, 2002 on November 4 and 11, 2002. He deferred to Councillor Bainbridge to give the Committee report, as he voted in opposition of the recommendation in Committee. The proposal, sponsored by Councillors Smith and Nytes, approves the amounts, locations, and programmatic operation of certain projects to be funded from Community Development Grant Funds for 2003. By a 4-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Nytes said that it was a difficult Committee discussion and she commended the staff for the tough task of sorting through \$4 million more in requests than for which funds were available. She said that the community has come to expect so many not-for-profit services and the Council should look at other ways to find funds for these worthwhile entities.

Councillor Gibson encouraged the administration to consider funding more drug treatment programs to help with homelessness and housing issues.

Councillor Schneider said that too great a percentage of these dollars are going to combat homelessness, when there are only 15,000 homeless in any given year in Indianapolis. He said that he also is fundamentally opposed to the federal government making routine restrictive grants instead of giving citizens tax cuts that would benefit all citizens.

Councillor Bainbridge moved, seconded by Councillor Nytes, for adoption. Proposal No. 526, 2002 was adopted on the following roll call vote; viz:

22 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Gibson, Gray, Knox, Langsford, McWhirter, Moriarty Adams, Nytes, Sanders, Short, Soards, Talley, Tilford

5 NAYS: Dowden, Frick, Massie, Schneider, Smith

1 NOT VOTING: Bradford

1 ABSENT: Horseman

Proposal No. 526, 2002 was retitled SPECIAL RESOLUTION NO. 72, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 72, 2002

PROPOSAL FOR A SPECIAL RESOLUTION approving the amounts, locations, and programmatic operation of certain projects to be funded from Community Development Grant Funds.

WHEREAS, the City-County Council, the City of Indianapolis and of Marion County, Indiana ("Council"), passed City-County Fiscal Ordinance No. 99, 2002, 2003 Annual Budget of the Consolidated City of Indianapolis and for Marion County, Indiana ("Budget Ordinance"); and

WHEREAS, Section 4 (b) of the Budget Ordinance, as approved by the Council, reads as follows:

Community Development Grant Funds. Until this Council has approved the amounts, locations, and programmatic operation of each project to be funded from Community Development Grant Funds, the amounts appropriated herein for such purposes shall not be encumbered or spent;

WHEREAS, the Department of Metropolitan Development of the City of Indianapolis, Indiana ("Department of Metropolitan Development") has presented the 2003 Consolidated Annual Action Plan, a document submitted to the United States Department of Housing and Urban Development ("HUD"), which sets forth the City's goals and intentions for using federal dollars in fiscal year 2003, to the Council; and

WHEREAS, the 2003 Consolidated Annual Action Plan identifies the amounts, locations, and programmatic operation of each project that will be funded by Community Development Grant Funds, which are summarized in the Summary of 2003 Proposed Activities, attached hereto as Attachment A and incorporated herein by reference; and

WHEREAS, Council now finds that the amounts, locations, and programmatic operations of each project listed in the 2003 Consolidated Annual Action Plan, including insubstantial amendments thereto should be approved; now, therefore:

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. That the amounts, locations, and programmatic operations of each of the projects included in the 2003 Consolidated Annual Action Plan, which are summarized in the Summary of 2003 Proposed Activities, attached hereto as Attachment A and incorporated herein by reference, are approved.

SECTION 2. This approval shall constitute the approval required under Section 4.01(b) of the Budget Ordinance and shall include and allow insubstantial amendments to the approved projects.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with Indiana Code section 36-3-4-14.

ATTACHMENT A

SUMMARY OF 2003 PROPOSED ACTIVITIES			
ORGANIZATION NAME	PROPOSED FUNDING	FUNDING SOURCE	PROJECT DESCRIPTION
PRESERVE HOMEOWNERSHIP			
Homeowner Repair			
BOS Community Development Corporation	\$300,000	CDBG	Provide repairs to 24 owner-occupied units.
CICOA : The Access Network	\$125,000	CDBG	Provide repairs to 10 owner occupied units.
Community Action of Greater Indianapolis	\$212,000	CDBG	Provide repairs to 17 owner-occupied units.
Community Alliance of the Far Eastside	\$175,000	CDBG	Provide repairs to 14 owner-occupied units.
Concord Community Development Corporation	\$187,500	CDBG	Provide repairs to 15 owner-occupied units.
Emergency Homeowner Repair	\$408,156	CDBG	Provide emergency repairs to 32 owner-occupied units. (as needed)
Mapleton Fall Creek Community Development Corporation	\$150,000	CDBG	Provide repairs to 12 owner-occupied units.
Martindale-Brightwood Community Development Corporation	\$62,500	CDBG	Provide repairs to 5 owner-occupied units.
Near North Development Corporation	\$200,000	CDBG	Provide repairs to 16 owner-occupied units.
Rehab Administration	\$96,000	CDBG	Homeowner repair administrative support.
Riley Area Development Corporation	\$100,000	CDBG	Provide repairs to 8 owner-occupied units in the former ECI neighborhood.
Riley Area Development Corporation	\$50,000	CDBG	Provide repairs to 4 owner-occupied units.
Southeast Neighborhood Development Corporation	\$325,000	CDBG	Provide repairs to 26 owner-occupied units.

United Northeast Community Development Corporation	\$150,000	CDBG	Provide repairs to 12 owner-occupied units.
United Northwest Area Development Corporation	\$125,000	CDBG	Provide repairs to 10 owner-occupied units.
West Indianapolis Development Corporation	\$150,000	CDBG	Provide repairs to 12 owner-occupied units.
Westside Community Development Corporation	\$312,500	CDBG	Provide repairs to 25 owner-occupied units.
Homeowner Repair Total	\$ 3,129,156		
INCREASE HOMEOWNERSHIP			
Acquisition/Rehabilitation for Homeownership			
BOS Community Development Corporation	\$96,000	HOME	Acquire and rehabilitate 3 units for homeownership.
Community Alliance of the Far Eastside, Inc.	\$32,000	HOME	Acquire and rehabilitate 1 unit for homeownership.
Concord Community Development Corporation	\$192,000	HOME	Acquire and rehabilitate 6 units for homeownership.
King Park Area Development Corporation	\$32,000	HOME	Acquire and rehabilitate 1 unit for homeownership.
Mapleton Fall Creek Development Corporation	\$160,000	HOME	Acquire and rehabilitate 5 units for homeownership.
Near North Development Corporation	\$128,000	HOME	Acquire and rehabilitate 4 units for homeownership.
Riley Area Development Corporation	\$32,000	HOME	Acquire and rehabilitate 1 unit for homeownership.
Southeast Neighborhood Development Corporation	\$256,000	HOME	Acquire and rehabilitate 8 units for homeownership.
United North East Development Corporation	\$32,000	HOME	Acquire and rehabilitate 1 unit for homeownership.
United Northwest Area Development Corporation	\$32,000	HOME	Acquire and rehabilitate 1 unit for homeownership.
West Indianapolis Development Corporation	\$200,000	HOME	Acquire and rehabilitate 7 units for homeownership.
Acquisition/Rehabilitation Total	\$1,192,000		
New Construction for Homeownership			
Community Alliance of the Far Eastside, Inc.	\$64,000	HOME	Construct 2 units of housing for homeownership.
Fall Creek Place	\$1,500,000	CDBG	Create 50 new homeownership opportunities.
King Park Area Development Corporation	\$32,000	HOME	Construct 1 unit of housing for homeownership.
Near North Development Corporation	\$192,000	HOME	Construct 6 units of housing for homeownership.
Riley Area Development Corporation	\$64,000	HOME	Construct 2 units of housing for homeownership.
Southeast Neighborhood Development Corporation	\$64,000	HOME	Construct 2 units of housing for homeownership.
United North East Community Development Corporation	\$64,000	HOME	Construct 2 units of housing for homeownership.
Westside Community Development Corporation	\$320,000	HOME	Construct 10 units of housing for homeownership.
New Construction Total	\$2,300,000		
Homebuyer Subsidies			
Indianapolis Neighborhood Housing Partnership	\$441,000	HOME	Provide direct homeownership assistance for 38 45 households.
Homebuyer Subsidies Total	\$441,000		

INCREASE RENTAL HOUSING			
Other affordable rental housing	\$1,744,000	HOME	HOME funds set-aside to provide gap financing for affordable rental housing.
West Indianapolis Development Corporation	\$50,000	CDBG	Provide repairs to 15 rental units.
Rental Housing Total	<i>\$1,794,000</i>		
SUPPORT CAPITAL AND ENTERPRISE DEVELOPMENT			
Indianapolis Urban Enterprise Association	\$50,000	CDBG	Provide technical assistance to businesses within the Enterprise Community.
Keystone Enterprise Park	\$700,000	CDBG	City project to develop an industrial park.
Economic/Commercial Development Total	<i>\$750,000</i>		
SUPPORTIVE SERVICE ACTIVITIES			
Job Training			
Horizon House	\$144,300	CDBG	Job readiness and employment program for homeless individuals.
Indianapolis Urban Enterprise Association	\$44,300	CDBG	Job assessment, job placement and retention.
Keys to Work, Inc.	\$144,300	CDBG	Job assessment, job placement and retention.
Job Training Total	<i>\$332,900</i>		
Youth Services			
Bicycle Action Project	\$38,300	CDBG	To provide life skills to youth.
School on Wheels	\$40,000	CDBG	To provide tutors and educational program to youth living in homeless shelters.
Summer Youth Programs	\$125,000	CDBG	Support collaborative summer youth activities.
Youth Services Total	<i>\$203,300</i>		
Senior Services			
CICOA: The Access Network	\$55,800	CDBG	Provide job training and transportation for seniors.
Community Centers of Indianapolis	\$144,300	CDBG	Provide senior services at CCI Centers.
Family Service Association	\$54,300	CDBG	Provide support services to seniors and adults with disabilities.
Senior Services Total	<i>\$254,400</i>		
Other Public Services			
Community Centers of Indianapolis	\$344,300	CDBG	Provide at-risk individuals with case management and referral services.
Family Service Association	\$25,000	CDBG	Provide long-term credit counseling and homeownership training for prospective homeowners.
Genesaret Free Clinic	\$16,044	CDBG	Provide dental services to homeless individuals at the Blue Triangle.
Genesaret Free Clinic	\$20,700	CDBG	Provide health care services to homeless men.

Indianapolis Neighborhood Resource Center	\$50,000	CDBG	Provide neighborhood capacity building to community groups.
IPD Weed-n-Seed	\$194,300	CDBG	Support local weed-n-seed initiatives.
IPD Community Policing	\$10,000	CDBG	Community policing and crime awareness.
Other Public Services Total	\$660,344		
Public Facilities			
Raphael Health Center	\$300,000	CDBG	To renovate and expand current medical facility to serve low-income residents.
Public Facilities Total	\$300,000		
ELIMINATE UNSAFE SITES			
Unsafe Buildings and Sites			
Brownfields Program	\$35,000	CDBG	Remediate brownfields for future development.
Unsafe Buildings	\$1,799,500	CDBG	Board, demolish, or secure vacant unsafe buildings in Indianapolis.
Unsafe Buildings and Sites Total	\$1,834,500		
SUPPORT HOMELESS SHELTERS AND OTHER SPECIAL NEEDS HOUSING			
Concord Center	\$50,000	HOPWA	Provide rental assistance to individuals with HIV/AIDS and their families.
Damien Center	\$400,000	HOPWA	Provide rental assistance and supportive services to individuals with HIV/AIDS and their families.
Ebenezer Foundation	\$100,000	HOPWA	Provide rental assistance and supportive services to individuals with HIV/AIDS and their families.
Other HIV/AIDS Housing Programs	\$136,760	HOPWA	Housing and support services for individuals with HIV/AIDS.
Catholic Social Services/Holy Family Shelter	\$54,450	ESG	Provide essential services, operations, homelessness prevention.
Children's Bureau	\$26,450	ESG	Provide essential services, operations, homelessness prevention.
Community Centers of Indianapolis	\$29,450	ESG	Provide homelessness prevention assistance.
Dayspring Shelter	\$49,450	ESG	Provide essential services, operations, homelessness prevention.
Genesaret Free Clinic	\$43,450	ESG	Provide essential services, operations, homelessness prevention.
Horizon House	\$58,450	ESG	Provide essential services, operations, homelessness prevention.
Metro Transit	\$29,450	ESG	Provide essential services (bus tickets) to homeless persons.
Quest for Excellence	\$29,450	ESG	Provide essential services, operations, homelessness prevention.
Salvation Army Social Service Center	\$48,450	ESG	Provide essential services, operations, homelessness prevention.
IRL Development Corporation	\$128,000	HOME	Construct 8 (SRO) units of rental housing for persons with disabilities.
Dayspring Center	\$29,300	CDBG	Provide transitional housing to homeless families.

Coburn Place	\$142,100	CDBG	Operating support for transitional housing for victims of domestic violence.
Special Needs Housing Total	\$1,355,210		
CITY OF INDIANAPOLIS ADMINISTRATIVE SUPPORT			
CHDO Administrative Funds	\$195,000	HOME	HOME CHDO Operating Support.
Indianapolis Housing Agency	\$15,000	CDBG	Promote fair housing in Indianapolis.
City Program Administration and Planning	\$2,623,190	CDBG, ESG, HOME, HOPWA	Administration support.
Administrative Support Total	\$2,833,190		
TOTAL	\$17,380,000		

PROPOSAL NO. 527, 2002. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 527, 2002 on November 4, 2002. The proposal, sponsored by Councillors Smith and Nytes, changes the name and duties of the division of community development and financial services; changes the duties of the division of administrative services of the department of metropolitan development, and repeals provisions regarding the urban homesteading program. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Smith moved, seconded by Councillor Nytes, for adoption. Proposal No. 527, 2002 was adopted on the following roll call vote; viz:

25 YEAS: Bainbridge, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gibson, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford

0 NAYS:

3 NOT VOTING: Black, Bradford, Gray

1 ABSENT: Horseman

Proposal No. 527, 2002 was retitled GENERAL ORDINANCE NO. 109, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 109, 2002

PROPOSAL FOR A GENERAL ORDINANCE to amend the "Revised Code of the Consolidated City and County" to change the name and duties of the division of community development and financial services; to change the duties of the division of administrative services of the department of metropolitan development and to repeal provisions regarding the urban homesteading program.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 231-301 of the "Revised Code of the Consolidated City and County," regarding the names of the divisions of the department of metropolitan development, hereby is amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 231-301. Divisions established.

The department of metropolitan development shall be composed of the following divisions:

- (1) Division of neighborhood services.
- (2) Division of planning.
- (3) Division of administrative services.

- (4) Division of community development ~~and financial services~~.
- (5) Division of compliance.

SECTION 2. Section 231-304 of the "Revised Code of the Consolidated City and County," regarding division of administrative services and its responsibilities, hereby is amended by the deletion of the language which is stricken-through and the addition of the language which is underscored, to read as follows:

Sec. 231-304. Division of administrative services.

- (a) The division of administrative services is responsible for:
 - (1) Providing real estate services for the department, including, acquiring or disposing of any interest in real or personal property, leasing or renting any buildings, structures or facilities included with a housing, economic development, other development or redevelopment project or public safety initiative; ~~and~~
 - (2) Facilitating the economic growth and revitalization of the city through various local economic development programs including, but not limited to real property tax abatement, residential distress tax abatement, industrial revenue bonds, tax increment financing, and for providing administrative support for the department; and
 - (3) Providing various financial services including annual budget preparation, annual audit coordination, payroll services, and other accounting and operational support for the department.
- (b) Powers and duties conferred on the department of metropolitan development by IC 36-7-15.1.
- (c) This division shall have other powers and duties granted by statute or ordinance or delegated by the mayor or department director.

SECTION 3. Section 231-305 of the "Revised Code of the Consolidated City and County," regarding the change of the name of the division of community development and financial services and its powers and duties, hereby is amended by the deletion of the language which is stricken-through and by the addition of the language which is underscored, to read as follows:

Sec. 231-305. Division of community development ~~and financial services~~.

- (a) The division of community development ~~and financial services~~ is responsible for providing affordable housing, development and rehabilitation opportunities, encouraging economic opportunities, building neighborhood capacity, providing homeless assistance and human services, administering an unsafe building program, and administering various federal programs ~~and for providing financial services for the department.~~
- (b) Powers and duties of the division include:
 - (1) On behalf of the director, designating and authorizing the receipt and distribution of all funds received by the department pursuant to acts of the United States Congress including but not limited to the Housing and Community Development Act of 1974, as amended, the National Affordable Housing Act of 1990, as amended, and the Stewart B. McKinney Homeless Assistance Act of 1987, as amended. The granting of this power shall not limit the power of the mayor to execute agreements with the United States Government to receive those funds.
 - (2) Facilitating the creation of affordable housing opportunities for low income households, including the homeless and persons with special needs, through the provision of programs including, but not limited to, Community Development Block Grant Program, HOME Investment Partnerships Program, Housing Opportunities for People with AIDS, Emergency Shelter Grants, Section 108 Loan Guarantee Program, Supportive Housing Program and the Mark to Market Program.
 - (3) Facilitating the economic growth and revitalization of the city, through various local economic development programs including, but not limited to Community Development Block Grant Program, Section 108 Loan Guarantee Program, Commercial Facade Program, support for the Indianapolis Enterprise Zone, and Enterprise Community.

- ~~(4) Powers and duties granted to the division under section 231-401 through section 231-405 of the Code and continuing the administration and compliance monitoring of the previously established Urban Homesteading Programs for the Consolidated City of Indianapolis as provided by HUD guidelines and section 231-401 through 231-405 of the Code.~~
- (5)(4) The provision of public services and facilities including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, fair housing, energy conservation, welfare, recreational or special needs.
- (6)(5) Powers and duties conferred on the enforcement authority by IC 36-7-9.
- (7)(6) Conducting or contracting with an enforcement entity to conduct a program to issue orders to repair, board or demolish hazardous, unsafe or problem structures which contribute to urban blight including but not limited to the powers and duties in Chapter 537 of the Code.
- (8)(7) Powers and duties conferred on the department of metropolitan development by IC 36-7-15.1.
- (8) Inspecting properties to enforce regulatory requirements to insure compliance with federal programs.
- (9) The division shall have other powers and duties granted by statute or ordinance or delegated by the mayor or department director.

SECTION 4. Article IV of Chapter 231 of the "Revised Code of the Consolidated City and County," regarding the urban homesteading program, hereby is repealed.

SECTION 5. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 6. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 7. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 531 and 532, 2002 on October 29, 2002. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 531, 2002. The proposal, sponsored by Councillor Dowden, approves a transfer of \$25,000 in the 2002 Budget of the Forensic Services Agency (County General Fund) to allow payment of unanticipated expense in character three. **PROPOSAL NO. 532, 2002.** The proposal, sponsored by Councillor Dowden, approves a transfer of \$47,000 in the 2002 Budget of the Marion County Superior Court (County General Fund) to fund safety improvements for jury boxes and witness chairs in center tower courts. By 9-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal Nos. 531 and 532, 2002 were adopted on the following roll call vote; viz:

26 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gibson, Gray, Knox, Langsford, Massie, McWhirter, Moriarty, Adams, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford

0 NAYS:

2 NOT VOTING: Bradford, Nytes

1 ABSENT: Horseman

Proposal No. 531, 2002 was retitled FISCAL ORDINANCE NO. 134, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 134, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) transferring and appropriating an additional Twenty-five Thousand Dollars (\$25,000) in the County General Fund for purposes of the Forensic Services Agency and reducing certain other appropriations from that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(e) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Forensic Services Agency to allow payment of unanticipated expense in character three.

SECTION 2. The sum of Twenty-five Thousand Dollars (\$25,000) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>FORENSIC SERVICES AGENCY</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	<u>25,000</u>
TOTAL INCREASE	25,000

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>FORENSIC SERVICES AGENCY</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	<u>25,000</u>
TOTAL DECREASE	25,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 532, 2002 was retitled FISCAL ORDINANCE NO. 135, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 135, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) transferring and appropriating an additional Forty-seven Thousand Dollars (\$47,000) in the County General Fund for purposes of the Marion County Superior Court and reducing certain other appropriations from that court.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(j) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court to fund safety improvements for jury boxes and witness chairs in center tower courts.

SECTION 2. The sum of Forty-seven Thousand Dollars (\$47,000) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY SUPERIOR COURT</u>	<u>COUNTY GENERAL FUND</u>
4. Capital Outlay	<u>47,000</u>
TOTAL INCREASE	47,000

SECTION 4. The said increased appropriation is funded by the following reductions:

MARION COUNTY SUPERIOR COURT

2. Supplies

TOTAL DECREASE

COUNTY GENERAL FUND

47,000

47,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL SERVICE DISTRICT COUNCILS

**POLICE SPECIAL SERVICE DISTRICT
SPECIAL ORDERS - PUBLIC HEARING**

President Borst convened the Police Special Service District Council.

PROPOSAL NO. 528, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 528, 2002 on October 29, 2002. The proposal, sponsored by Councillors Dowden and Moriarty Adams, approves an appropriation of \$974,726 in the 2002 Budget of the Department of Public Safety, Police Division (Non-Lapsing Federal Grants and Federal Grants Funds) to support police relationships in the Eagledale neighborhood; to fund two civilian full-time positions within IPD's Victim Assistance Unit; to participate in the "Creating a Culture of Integrity Initiative - Use of Force Policy and Training"; to purchase a wireless hub system for connection to the IPD network, in-car video cameras for the Drug Interdiction Unit, and laptop computers for Academy recruit training; to fund the Domestic Violence Network Navigational Hub; and to fund the "Healthy Reasons to Say No," financed by federal grants. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Borst called for public testimony at 8:04 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 528, 2002 was adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gibson, Gray, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford

0 NAYS:

1 NOT VOTING: Bradford

1 ABSENT: Horseman

Proposal No. 528, 2002 was retitled POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 4, 2002, and reads as follows:

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 4, 2002

A POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the Police Special Service District Budget for 2002 (Police Special Service District Ordinance No. 3, 2001) appropriating an additional Nine Hundred Seventy-four Thousand Seven Hundred Twenty-six Dollars (\$974,726) in the Non-Lapsing Federal Grants and Federal Grants Funds for purposes of the Department of Public Safety, Police Division, and reducing the unappropriated and unencumbered balances in the Non-Lapsing Federal Grants and Federal Grants Funds.

**BE IT ORDAINED BY THE POLICE SPECIAL SERVICE DISTRICT COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 of the Police Special Service District Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division to support police relationships in the Eagledale neighborhood; to fund two civilian full-time positions within IPD's Victim Assistance Unit; to participate in the *Creating a Culture of Integrity Initiative - Use of Force Policy and Training*; to purchase a wireless hub system for connection to the IPD network, in-car video cameras for the Drug Interdiction Unit, and laptop computers for Academy recruit training; to fund the Domestic Violence Network Navigational Hub; and to fund the *Healthy Reasons to Say No*.

SECTION 2. The sum of Nine Hundred Forty-seven Thousand and Seven Hundred Twenty-six Dollars (\$947,726) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC SAFETY

POLICE DIVISION

- 1. Personal Services
- 2. Materials and Supplies
- 3. Other Services and Charges
- 4. Capital Outlay
- TOTAL

NON-LAPSING FEDERAL GRANTS FUND

108,784
6,035
505,611
335,720
956,150

DEPARTMENT OF PUBLIC SAFETY

POLICE DIVISION

- 1. Personal Services
- 3. Other Services and Charges
- TOTAL

FEDERAL GRANTS FUND

17,076
1,500
18,576

SECTION 4. The said additional appropriation is funded by the following reductions:

NON-LAPSING FEDERAL GRANTS FUND

- Unappropriated and Unencumbered
- Non-Lapsing Federal Grants Fund
- TOTAL REDUCTION

956,150
956,150

FEDERAL GRANTS FUND

- Unappropriated and Unencumbered
- Federal Grants Fund
- TOTAL REDUCTION

18,576
18,576

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

**FIRE SPECIAL SERVICE DISTRICT
SPECIAL ORDERS - PUBLIC HEARING**

President Borst convened the Fire Special Service District Council.

PROPOSAL NO. 529, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 529, 2002 on October 29, 2002. The proposal, sponsored by Councillors Dowden and Moriarty Adams, approves an increase of \$491,230 in the 2002 Budget of the Department of Public Safety, Fire Division (Non-Lapsing Federal Grants Fund) to purchase new fitness equipment, to train nine firefighters for a peer fitness program for mentoring local firefighters, and to deliver the FitKids program to area schools, financed by a federal grant (Federal Emergency Management Agency) (Matching funds of \$210,257 have been appropriated

in the Department of Public Safety, Fire Division's 2003 budget). By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Borst called for public testimony at 8:06 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 529, 2002 was adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gibson, Gray, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford

0 NAYS:

1 NOT VOTING: Bradford

1 ABSENT: Horseman

Proposal No. 529, 2002 was retitled FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 6, 2002, and reads as follows:

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 6, 2002

A FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the Fire Special Service District Budget for 2002 (Fire Special Service District Ordinance No. 4, 2001) appropriating an additional Four Hundred Ninety-one Thousand Two Hundred Thirty-one Dollars (\$491,231) in the Non-Lapsing Federal Grants Fund for purposes of the Department of Public Safety, Fire Division, and reducing the unappropriated and unencumbered balance in the Non-Lapsing Federal Grants Fund.

BE IT ORDAINED BY THE FIRE SPECIAL SERVICE DISTRICT COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 of the Fire Special Service District Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Fire Division to purchase new fitness equipment, to train nine firefighters for a peer fitness program for mentoring local firefighters, and to deliver the FitKids program to area schools.

SECTION 2. The sum of Four Hundred Ninety-one Thousand and Two Hundred Thirty-one Dollars (\$491,231) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC SAFETY

FIRE DIVISION

- 2. Materials and Supplies
- 3. Other Services and Charges
- 4. Capital Outlay

TOTAL INCREASE

NON-LAPSING FEDERAL GRANTS FUND

21,250
66,980
403,000
491,230

SECTION 4. The said additional appropriation is funded by the following reductions:

NON-LAPSING FEDERAL GRANTS FUND

Unappropriated and Unencumbered
Non-Lapsing Federal Grants Fund
TOTAL REDUCTION

491,230
491,230

SECTION 5. The activity hereby approved through this ordinance is 70% funded by a federal grant. Matching funds (Fire Department's wellness program costs) have been appropriated in the 2003 budget, as follows

DEPARTMENT OF PUBLIC SAFETY (Fire Division)

- 1. Personal Services
- TOTAL

FIRE GENERAL FUND

210,257
210,257

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

President Borst reconvened the City-County Council.

NEW BUSINESS

Councillor Cockrum thanked the Metropolitan Planning Organization for their recent recommendation to the State regarding the analysis of the I-69 expansion through Decatur Township.

Councillor Black said that Councillor Boyd's brother passed away two weeks ago and the Council has been remiss in recognizing that or requesting a memorandum in his name.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Gibson in memory of Cheryl "Nicey" D. King; and
- (2) Councillor Soards in memory of Benjamin Singleton and Herb Fulkerson; and
- (3) Councillor Knox in memory of Catherine B. Hale Tames; and
- (4) Councillor Schneider in memory of Sam Embree.

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Cheryl "Nicey" D. King, Benjamin Singleton, Herb Fulkerson, Catherine B. Hale Tames, and Sam Embree. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:11 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 11th day of November, 2002.

November 11, 2002

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

R. R. C. B. D. M.

President

ATTEST:

Sullivan Hart

Clerk of the Council

(SEAL)

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, NOVEMBER 25, 2002**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:15 p.m. on Monday, November 25, 2002, with President Borst presiding.

Councillor Bradford introduced Jay Height, representative of Sack Hunger, who led the opening prayer. Councillor Bradford then invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

27 PRESENT: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gibson, Gray, Knox, Massie, McWhirter, Moriarty, Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford
2 ABSENT: Horseman, Langsford

A quorum of twenty-seven members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Sanders noted that history is being made in these chambers with a woman in a leadership position, and she applauded Councillor Coughenour. Councillor Nytes recognized Mr. Height as a member of the Indianapolis-Marion County Library Board of Trustees, and wished her son a happy birthday.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

Journal of the City-County Council

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, November 25, 2002, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Philip C. Borst, D.V.M.
President, City-County Council

November 12, 2002

TO PRESIDENT SERVAAS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* on Wednesday, November 13, 2002, and in the *Indianapolis Star* on Thursday, November 14, 2002, a copy of a Notice of Public Hearing on Proposal Nos. 556-558, 560, 562, and 564, 2002, said hearing to be held on Monday, November 25, 2002, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Suellen Hart
Clerk of the City-County Council

November 22, 2002

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Suellen Hart, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 130, 2002 - approves an increase of \$461,000 in the 2002 Budget of the Office of the Controller (Consolidated County General Fund) to cover the cost of up to 98 jail beds from September through December, financed by fund balances

FISCAL ORDINANCE NO. 131, 2002 - approves an increase of \$365,000 in the 2002 Budget of the Department of Metropolitan Development (Federal Grants and Non-Lapsing State Grants Funds) to fund engineering costs for the clay cap for the Special Soils Area of the Keystone Enterprise Park as well as Phase II environmental assessment costs for the same area, financed by federal and state grants (Brownfield Economic Development Initiative and Indiana Development Finance Authority)

FISCAL ORDINANCE NO. 132, 2002 - approves an increase of \$4,236,000 in the 2002 Budget of the Department of Public Works, Engineering Division (Redevelopment District Capital Projects Fund and Transportation General Fund) to provide the local match and inspection fees for several projects, financed by fund balances

FISCAL ORDINANCE NO. 133, 2002 - approves an increase of \$80,000 in the 2002 Budget of the Department of Public Works, Engineering Division (Transportation General Fund) to study four intersections for potential operational and safety improvements, financed by a grant from State Farm Insurance Company

FISCAL ORDINANCE NO. 134, 2002 - approves a transfer of \$25,000 in the 2002 Budget of the Forensic Services Agency (County General Fund) to allow payment of unanticipated expense in character three

GENERAL ORDINANCE NO. 109, 2002 - changes the name and duties of the division of community development and financial services; changes the duties of the division of administrative services of the department of metropolitan development, and repeals provisions regarding the urban homesteading program

GENERAL RESOLUTION NO. 12, 2002 - approves the proposed refinancing of portions of Consolidated Redevelopment Area debt

SPECIAL RESOLUTION NO. 71, 2002 - recognizes the outstanding community service of William K. McGowan, Jr. of the Indianapolis Convention and Visitors Association

SPECIAL RESOLUTION NO. 72, 2002 - approves the amounts, locations, and programmatic operation of certain projects to be funded from Community Development Grant Funds for 2003

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 4, 2002 - approves an appropriation of \$974,726 in the 2002 Budget of the Department of Public Safety, Police Division (Non-Lapsing Federal Grants and Federal Grants Funds) to support police relationships in the Eagledale neighborhood; to fund two civilian full-time positions within IPD's Victim Assistance Unit; to participate in the "Creating a Culture of Integrity Initiative - Use of Force Policy and Training"; to purchase a wireless hub system for connection to the IPD network, in-car video cameras for the Drug Interdiction Unit, and laptop computers for Academy recruit training; to fund the Domestic Violence Network Navigational Hub; and to fund the "Healthy Reasons to Say No," financed by federal grants

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 6, 2002 - approves an increase of \$491,230 in the 2002 Budget of the Department of Public Safety, Fire Division (Non-Lapsing Federal Grants Fund) to purchase new fitness equipment, to train nine firefighters for a peer fitness program for mentoring local firefighters, and to deliver the FitKids program to area schools, financed by a federal grant (Federal Emergency Management Agency) (Matching funds of \$210,257 have been appropriated in the Department of Public Safety, Fire Division's 2003 budget)

Respectfully,
s/Bart Peterson, Mayor

I have a letter dated November 21, 2002, from A. Scott Chinn, Corporation Counsel, notifying the Council of his finding that Frances Ingram should not be indemnified for a certain judgement rendered against him. Under Code Sec. 292-1, this finding shall prevail unless the Council passes a resolution rejecting the finding within thirty days.

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of November 11, 2002. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 566, 2002. The proposal, sponsored by Councillor Borst, approves a schedule of regular council meetings for the year 2003. Councillor Borst reported that a revised schedule has been sent to all Council members. Councillor Bainbridge moved, seconded by Councillor Massie, to amend Proposal No. 566, 2002. The motion carried by a unanimous voice vote. Councillor Bainbridge moved, seconded by Councillor Coughenour, for adoption. Proposal No. 566, 2002, as amended, was adopted on the following roll call vote; viz.

25 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gray, Knox, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford

0 NAYS:

2 NOT VOTING: Bradford, Gibson

2 ABSENT: Horseman, Langsford

Proposal No. 566, 2002, as amended, was retitled COUNCIL RESOLUTION NO. 87, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 87, 2002

A COUNCIL RESOLUTION approving a schedule of regular council meetings for the year 2003.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council hereby approves the following schedule of regular meetings for the year 2003:

- | | |
|-------------------------------|---------------------------------|
| (1) Monday, January 13, 2003 | (10) Monday, July 21, 2003 |
| (2) Monday, February 03, 2003 | (11) Monday, August 04, 2003 |
| (3) Monday, February 24, 2003 | (12) Monday, August 25, 2003 |
| (4) Monday, March 17, 2003 | (13) Monday, September 15, 2003 |
| (5) Monday, April 14, 2003 | (14) Monday, October 06, 2003 |
| (6) Monday, April 28, 2003 | (15) Monday, October 27, 2003 |
| (7) Monday, May 12, 2003 | (16) Monday, November 17, 2003 |
| (8) Monday, June 02, 2003 | (17) Monday, December 08, 2003 |
| (9) Monday, June 23, 2003 | |

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 571, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$25,000 in the 2002 Budget of the County Treasurer (Enhanced Access Fund) to reimburse member agencies for enhanced access expenses, financed by fund balances"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 572, 2002. Introduced by Councillors Cockrum and Douglas. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$30,000 in the 2002 Budget of the Department of Parks and Recreation (Federal Non-lapsing Grants Fund) to continue the after-school programs at Forest Manor School and School 108 for the 2002-2003 school year"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 573, 2002. Introduced by Councillors Dowden, Moriarty Adams, and Talley. The Clerk read the proposal entitled: "A Proposal for a Police Special Service District Fiscal Ordinance which approves an appropriation of \$300,000 in the 2002 Budget of the Department of Public Safety, Police Division (Police General Fund) to pay increased costs of health insurance benefits for active and retired sworn officers and civilian employees, financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 574, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$19,844 in the 2002 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to fund the Protective Order Pro Bono Project, funded by a federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 575, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$44,656 in the 2002 Budget of the Clerk of the Circuit Court (County General Fund) to fund increased postal expenses and the completion of bank reconciliations by an accounting firm"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 576, 2002. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$50,402 in the 2002 Budget of the Clerk of the Circuit Court (Clerk's Perpetuation Fund) to fund computer upgrades,

financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 577, 2002. Introduced by Councillors Dowden and Soards. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$15,000 in the 2002 Budgets of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to provide support for criminal history integration with statewide data, funded by a grant from the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 578, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$59,715 in the 2002 Budgets of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to support the continuation of the Arrestee Drug Abuse Monitoring Program (ADAM) from October 1, 2002, to September 30, 2003"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 579, 2002. Introduced by Councillors Bainbridge and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which supports the development and participation in an eight-hour ozone Early Action Compact for central Indiana to help reduce ozone and to improve the air quality for central Indiana"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 580, 2002. Introduced by Councillors Brents and Horseman. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in parking restrictions on Louisiana Street between McCrea Street and Meridian Street (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 585, 2002. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Thomas H. Taylor to the Marion County Storm Water Management Advisory Committee"; and the President referred it to the Public Works Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 581-584, 2002 and PROPOSAL NOS. 586-590, 2002. Introduced by Councillor Smith. Proposal Nos. 581-584, 2002 and Proposal Nos. 586-590, 2002 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on November 12 and 21, 2002, respectively. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 151-159, 2002, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 151, 2002.

2002-ZON-110

10702 EAST 25TH STREET (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 5

OAKFIELD DEVELOPMENT, LLC requests a rezoning of 42 acres, being in the SU-3 (FF) District, to the D-4 (FF) classification to provide for single-family residential development.

REZONING ORDINANCE NO. 152, 2002.

2002-ZON-126

7171 NORTH OAKLANDON ROAD (approximate addresses), CITY OF LAWRENCE.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 5

OLD OAKLANDON CEMETERY ASSOCIATION requests a rezoning of 9.4 acres, being in the SU-34 (FF) and D-A (FF) Districts to the SU-10 (FF) classification to legally establish a cemetery.

REZONING ORDINANCE NO. 153, 2002.

2002-ZON-128

4459 MANN ROAD (approximate addresses), INDIANAPOLIS.

DECATUR TOWNSHIP, COUNCILMANIC DISTRICT # 19

LAFAYETTE HEIGHTS CHURCH OF CHRIST, by Thomas Michael Quinn, requests a rezoning of 4.94 acres, being in the D-4 (FF)(FW) District, to the SU-1 (FF)(FW) classification to provide for religious uses.

REZONING ORDINANCE NO. 154, 2002.

2002-ZON-837

2311 NORTH TEMPLE AVENUE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 10

DEPARTMENT OF METROPOLITAN DEVELOPMENT requests a rezoning of 36.109 acres, being in the D-5 and SU-1 Districts, to the C-S classification to provide for a mixed-use industrial park, including light industrial, retail, and hospitality uses.

REZONING ORDINANCE NO. 155, 2002.

2002-ZON-132

2415 and 2425 MITTHOEFER ROAD (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 5

EDWARD L. and MARY McVAY, by Cameron F. Clark, requests a rezoning of 8.95 acres, being in the D-3 District, to the C-7 classification to provide for a mini-warehouse facility.

REZONING ORDINANCE NO. 156, 2002.

2002-ZON-141

6910 NETWORK PLACE (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1

Intech Park Partners LLC, by Michael C. Cook, requests a rezoning of 4.16 acres, being in the C-S District (Area "A"), to the C-S classification to provide for television and radio studios and offices, with a 150-foot tall telecommunication transmitting and receiving tower.

REZONING ORDINANCE NO. 157, 2002.

2002-ZON-013

50 EAST THOMPSON ROAD (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 25.

THOMAS A. SCHROEDER, by Thomas Michael Quinn, requests a rezoning of 3.4 acres, being in the C-3 District, to the C-S classification to legally establish a transmission shop and to provide for all permitted C-3 uses.

REZONING ORDINANCE NO. 158, 2002.

2002-ZON-137

2505 and 2513 NORTH TALBOTT STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

VICKI L. TIPTON requests a rezoning of 0.250 acre, being in the SU-7 District, to the D-8 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 159, 2002.

2002-ZON-840

120-134 WEST 21ST STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

JUNE DAVIDSON, by David Kingen, requests a rezoning of 0.8 acre, being in the C-4 (W-1) District, to the C-2 (W-1) classification to legally establish a multi-family residential structure and to provide for future multi-family residential development.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 538, 2002. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 538, 2002 on November 19, 2002. The proposal, sponsored by Councillors Nytes and McWhirter, approves the issuance of TIF bonds to repay 2001 BAN for Fall Creek Place (Home Ownership Zone). By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Coonrod said that it is unfortunate that the Committee was not informed that property taxes from the entire county are being pledged as a surety for these bonds. He said that tax increment financing (TIF) begins by taking tax revenue that arguably should have gone to school districts and civil government and uses it for the narrow purpose of some enterprise. However, in this case, the beneficiaries will be owners of residential property and the taxpayers throughout the county are guaranteeing this debt. He said that everyone would like to have money spent in their district to guarantee their mortgage. No such benefit is offered elsewhere in the county and therefore he cannot vote to support this proposal.

Councillor Nytes said as a co-sponsor of this ordinance and a member of the Committee, she was fully aware of how this deal was structured. She said that it is not uncommon for a TIF funding to be backed by a pledge of property tax revenue and this is not a unique arrangement. She added that it is important to focus on the fact that this particular TIF is more than adequate to repay itself, and this is a neighborhood that would not generate increased tax revenue unless the City took initiative to prime it. She said this has been done in several areas across the county in the last several years.

Councillor Gibson agreed and said that the TIF is for infrastructure and will not be paying citizens' mortgages. Based on the successfulness of this project so far, this project should easily pay for itself.

Councillor Schneider said that when he served on this Committee, there was discussion regarding temporary financing for this project. He said that he remembers the amount as much less than \$10 million. Councillor Nytes said that the original amount of the bond anticipation notes was \$10 million, and the reason for the additional \$3 million is due to the more favorable interest rates and the ability to finance that much at the same level of return on the TIF. Also, the project is moving along much faster than originally anticipated, and more infrastructure in phases two and three needs to begin sooner.

Councillor Schneider said that TIFs have historically been used for commercial development and not for residential development, and it concerns him that the obligation for this development will rest on the entire county and its taxpayers.

Councillor Smith said that when he originally pledged his support of this TIF, he was not aware of property taxes being used as a surety. He said that he knows that TIFs have been used for infrastructure to garner commercial development, but he does not recall using such for residential infrastructure. President Borst said that he believes a TIF was used for the Barrington area residential development. Councillor Short said that this is correct and a housing TIF was used in the Barrington area and the Riley redevelopment area. Councillor Gray added that housing was included in the Senour Road TIF also.

Jennifer Weflen, deputy director of the Indianapolis Municipal Public Improvement Bond Bank, said that this TIF has existed for a while and was not just created, and the bond anticipation note

was approved by the Council last spring. Councillor Smith asked if the other housing TIFs pledged property taxes as a surety. Ms. Weflen said that there are no outstanding bonds backed by the Barrington housing TIF, but the only pledge for the bond issue is the increment revenues from the TIF. The Bond Bank is also proposing that there may be a need for a debt service reserve fund, which would be funded by property tax revenue if there was a need to draw from this fund. However, the Bond Bank does not expect this to happen, and expects that the TIF revenue will be sufficient.

Councillor McWhirter said that the Council has already approved the bond anticipation notes and asked what happens if they decide not to approve the TIF pledge. Ms. Weflen said that the Metropolitan Development Commission and the Bond Bank would have to find another way to pay back these notes. Councillor McWhirter asked where this other money would come from. Ms. Weflen said that it would probably have to come from property tax revenue.

Councillor Massie asked if the debt cannot be serviced by the TIF, general property taxes would be looked to in order to remedy this debt. Ms. Weflen said that this is correct, but it is not anticipated. Councillor Massie asked if this deal is different than the Barrington TIF. Ms. Weflen said that there are no bonds outstanding on the Barrington TIF, but the TIF is still generating revenue.

Councillor Schneider asked if the Council knew at the time the bond anticipation note was passed that property taxes would be promised to fund any shortfall in TIF revenue. Ms. Weflen said that they are not promising property taxes and this is not an uncommon mechanism, and the Bond Bank would have to get further approval to draw on the debt service fund. Councillor Nytes said that she believes there is unnecessary alarm and this is a practice used repeatedly in the City. She said that the City has never had to revert to using property taxes in TIF projects and with interest rates where they are, this will insure even more confidently that the City will not have to fall back to a property tax back-up for this project.

Councillor Dowden said that he believes there are enough questions and issues that more information is needed before action is taken. He moved, seconded by Councillor Smith, to return the proposal to Committee.

President Borst asked if there is any time sensitivity regarding the proposal. Bob Clifford, executive director of the Bond Bank, said that it is time sensitive in the sense that the money has already been borrowed and will have to be paid back. He said not passing the proposal makes the situation very complicated, because the Council has already voted to borrow the money. By questioning the repayment of this loan, lending entities will be less enthusiastic to deal with City projects.

Councillor Short said he is opposed to returning the proposal to Committee because this proposal is like any other TIF and is backed in the same way. The TIF is for infrastructure, not for individual homeowner's benefit.

Councillor McWhirter said that she is also opposed to returning the proposal to Committee. She said that she believes Mr. Clifford and Ms. Weflen have answered the questions and the consequences of not following through would be worse than having to use property taxes. She said that the director has assured the Council there will not be a need to use property taxes to repay this debt.

The motion to return Proposal No. 538, 2002 to Committee failed by a voice vote.

Councillor Coonrod moved to amend Proposal No. 538, 2002 to remove the pledge of property taxes from the proposal, since it has been testified that it will not be needed anyway. Councillor Talley said that this motion is out of order as it has not even been identified where this pledge is found in the proposal. General Counsel Robert Elrod ruled that this amendment is probably out of order as any amendment needs to be in writing, and the portion referred to is in Section 2.

Councillor Coughenour asked if amending the proposal would send a bad signal to the banks and market. Mr. Clifford said that if a debt service reserve is required to make debt service payments, his obligation is to go to the City Controller, who will come to the Council and request that the reserve be replenished. At that time, the Council will decide how to replenish that reserve, whether it comes from fund balances or property taxes. There is no specific property tax pledge on this transaction.

Councillor Coonrod said that he has put his amendment in writing to strike Section 2 of the proposal and the terminology in Section 1 which states "and to other revenues of the commission pledged for such purpose." He moved, seconded by Councillor Schneider, to amend Proposal No. 538, 2002.

President Borst asked Mr. Elrod if the amendment is properly before the Council. Mr. Elrod said that the motion is technically legal, but it probably represents more than what Councillor Coonrod is attempting to do and it should probably be reviewed for further ramifications.

Councillor Short said that he is against the precedent being set this evening, and motions are typically in writing before each Council member, and he is not even sure what the body is voting on. Councillor Gray agreed and said that he cannot vote for an amendment that is not clear.

Councillor Coonrod said that Councillors Gray and Short are probably correct and his motion is out of order, but he wanted to make a point that it is not fair for the taxpayers of the county to pay for a project that benefits only a few. Councillor Coonrod withdrew his motion and Councillor Schneider withdrew his second.

President Borst called for public testimony at 7:57 p.m. There being no one present to testify, Councillor McWhirter moved, seconded by Councillor Nytes, for adoption. Proposal No. 538, 2002 was adopted on the following roll call vote; viz:

20 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coughenour, Douglas, Frick, Gibson, Gray, Knox, McWhirter, Moriarty Adams, Nytes, Sanders, Short, Talley, Tilford

7 NAYS: Bradford, Coonrod, Dowden, Massie, Schneider, Smith, Soards

2 ABSENT: Horseman, Langsford

Proposal No. 538, 2002 was retitled GENERAL RESOLUTION NO. 13, 2002, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 13, 2002

A GENERAL RESOLUTION (i) approving the issuance of special taxing district bonds of the Redevelopment District of the City of Indianapolis, Indiana, in one or more series or issues payable from taxes on real property located in the Fall Creek/Citizens Consolidated HOTIF Area allocated and deposited in the Fall Creek/Citizens Consolidated HOTIF Area Allocation Fund pursuant to Indiana Code 36-7-15.1-26 and Indiana Code 36-7-15.1-35, and other revenues of the Metropolitan Development

Commission of Marion County, Indiana, pledged for such purpose pursuant to Indiana Code 36-7-15.1-17(h), if any, and (ii) approving other matters related thereto.

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the "Commission"), has previously created the Fall Creek/Citizens Consolidated Redevelopment Area (the "Consolidated Area"), pursuant to the provisions of Indiana Code 36-7-15.1; and

WHEREAS, the Redevelopment District of the City of Indianapolis, Indiana (the "District") has previously issued its Limited Obligation Notes, Series 2001A, in the aggregate principal amount not to exceed Ten Million Dollars (\$10,000,000), for the purpose of paying the costs of acquisition and construction of certain infrastructure improvements to develop the Consolidated Area (the "Prior Notes"); and

WHEREAS, on November 6, 2002, the Commission adopted a Final Bond Resolution (Resolution No. _____) (the "Bond Resolution") authorizing the issuance of special taxing district bonds in one or more series or issues, in an aggregate principal amount not to exceed Thirteen Million Dollars (\$13,000,000) (the "Bonds"), which shall be issued in the name of the City of Indianapolis, for and on behalf of the District, the principal of and interest on which are payable solely from taxes on real property located in the Fall Creek/Citizens Consolidated HOTIF Area (the "Allocation Area") allocated and deposited into the Fall Creek/Citizens Consolidated HOTIF Area Allocation Fund (the "Allocation Fund"), pursuant to Indiana Code 36-7-15.1-26 and Indiana Code 36-7-15.1-35, and other revenues of the Commission pledged for such purpose pursuant to Indiana Code 36-7-15.1-17(h), if any, for the purpose of procuring funds to be applied to the costs of (a) refunding the Prior Notes and (b) financing certain additional infrastructure improvements in or serving the Consolidated Area (the "Additional Improvements"), together with expenses associated therewith and expenses in connection with or on account of the issuance of the Bonds therefor (collectively, the "Project"); and

WHEREAS, the Bonds are currently anticipated to be sold to The Indianapolis Local Public Improvement Bond Bank pursuant to the provisions of Indiana Code 5-1.4; and

WHEREAS, the Bond Bank anticipates purchasing the Bonds with the proceeds from the issuance of one or more series of bonds of the Bond Bank (the "Bond Bank Bonds"), which Bond Bank Bonds may be secured by a debt service reserve fund established by the Bond Bank that will be subject to Indiana Code 5-1.4-5-1 and Special Ordinance 67, 85 of the City-County Council.

WHEREAS, the Commission has requested the approval of the City-County Council for the issuance of the Bonds pursuant to Indiana Code 36-3-5-8, and the City-County Council now finds that the issuance of the Bonds should be approved; now therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council does hereby approve (i) the Bond Resolution and (ii) the issuance of the Bonds in the name of the City, for and on behalf of the District, in one or more series or issues payable solely from taxes on real property located in the Allocation Area allocated and deposited into the Allocation Fund pursuant to the provisions of Indiana Code 36-7-15.1-26 and Indiana Code 36-7-15.1-35, and other revenues of the Commission pledged for such purpose pursuant to Indiana Code 36-7-15.1-17(h), if any, in an aggregate principal amount not to exceed Thirteen Million Dollars (\$13,000,000), which amount does not exceed the estimated costs of the Project.

SECTION 2. The City-County Council does hereby acknowledge that the Bond Bank Bonds may be supported by a debt service reserve fund that will be subject to the provisions of Indiana Code 5-1.4-5-1 and Special Ordinance 67, 85 of the City-County Council.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with Indiana Code 36-3-4-14, 36-3-4-15 and 36-3-4-16.

PROPOSAL NO. 556, 2002. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 556, 2002 on November 19, 2002. The proposal, sponsored by Councillor Sanders, approves of temporary tax anticipation borrowing for the City of Indianapolis during the period from January 1, 2003, through December 31, 2003. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Borst called for public testimony at 8:01 p.m. There being no one present to testify, Councillor McWhirter moved, seconded by Councillor Sanders, for adoption. Proposal No. 556, 2002 was adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gibson, Gray, Knox, Massie, McWhirter, Moriarty, Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford

0 NAYS:

2 ABSENT: Horseman, Langsford

Proposal No. 556, 2002 was retitled FISCAL ORDINANCE NO. 136, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 136, 2002

A PROPOSAL FOR A FISCAL ORDINANCE approving temporary tax anticipation borrowing, authorizing the City of Indianapolis ("City") to make temporary loans for the use of the funds and accounts listed on Exhibit A (collectively, "Funds") during the period January 1, 2003, through December 31, 2003, in anticipation of current taxes levied in the year 2002 and collectible in the year 2003 ("Taxes"), authorizing the issuance of tax anticipation time warrants ("Warrants") to evidence such loans; pledging and appropriating the Taxes to be received in such Funds to the payment of such Warrants, including the interest thereon; and fixing a time when this ordinance shall take effect.

WHEREAS, the Controller has represented and the City-County Council now find that there will be insufficient funds in each of the Funds to meet the current expenses payable from such Fund prior to the June and December 2003 distributions of Taxes levied for such Fund, and the June and December 2003 distributions of Taxes to be collected for the respective amounts listed on Exhibit A and the interest cost of making temporary loans for the respective Funds;

WHEREAS, a necessity exists for the making of temporary loans for these Funds in anticipation of Taxes for these Funds actually levied for the year 2002 and in the course of collection for the year 2003; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City is authorized to borrow on temporary loans for the use and benefit of each of the Funds of City listed on Exhibit A in the maximum principal amounts for each Fund as shown on Exhibit A in anticipation of Taxes for that Fund for the year 2003, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the respective Funds for which the Warrants are issued and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the respective Funds from the June and December 2003 distributions of Taxes for each of the Funds, to the respective Funds and the 2003 Budget Payments of Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loans and the amount of interest on such principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 2. (a) All Warrants issued pursuant to this ordinance shall bear interest at the rate or rates, not to exceed a maximum rate of eight percent per annum, to be determined as provided in Section 3. The Warrants for each Fund or Account may be issued in one series, designated Series 2003 Warrants ("Series 2003 Warrants") or in two or more series, designated Series 2003A and Series 2003B or such other designation as the Controller shall deem appropriate ("Series A Warrants" and "Series B Warrants", respectively). The Series 2003 Warrants for each Fund or Account may be issued in an amount not to exceed the respective amounts set forth herein with interest thereon. The Series A Warrants for each Fund or Account may be issued in an amount not to exceed the amount of the distribution of Taxes scheduled for June 2003 for that Fund or Account. The Series B Warrants for each Fund or Account may be issued in amount not to exceed the amount of the December 2003 distribution of Taxes for that Fund or Account. All Series A Warrants shall mature and be payable not later than September 30, 2003. All Series B Warrants and Series 2003 Warrants shall mature and be payable not later than December 31, 2003. The Warrants shall be dated as of the date or dates of actual delivery of the respective Warrants.

(b) The interest rate on the Warrants will be determined as provided in Section 3. The Warrants are not subject to redemption prior to their respective maturity dates if sold at public sale and may be redeemed as

set forth in the purchase agreement with The Indianapolis Local Public Improvement Bond Bank ("Bond Bank") if sold to it.

SECTION 3. (a) The Controller may sell the Warrants in one or more Series as set forth in Section 2 pursuant to either subsection (b) or (c) of this section. The Controller is hereby authorized and directed to have the Warrants prepared, and the Mayor, Controller and Clerk are hereby authorized and directed to execute and attest the Warrants in the manner substantially set out in the form provided below.

(b) The Controller may sell any or all the Warrants to the Bond Bank pursuant to IC 5-1.4 on such terms and conditions as are consistent with this ordinance and mutually agreed to between the Controller and the Bond Bank. In the event of a sale of such Warrants to the Bond Bank, the Mayor, Controller and Clerk are authorized to execute a purchase agreement with the Bond Bank in an acceptable form and to do such other actions and execute such documents as may be required by the Bond Bank as a condition to the purchase of such Warrants.

(c) The Controller may sell any or all the Warrants at public sale. Prior to the sale of the Warrants at public sale, the Controller shall cause a notice of sale to be published twice, with the first publication at least fifteen days before the date of sale and the second publication at least three days before the sale date, in two newspapers of general circulation, printed in the English language and published in the City, as provided by IC 5-3-1. All bids at public sale for the Warrants shall be sealed and shall be presented to the Controller at his office, and all bids shall name the rate or rates of interest for the Warrants or portion thereof. If sold at public sale, the Warrants, or portion thereof bid for, shall be awarded to the bidder or bidders offering the lowest net interest cost to the City determined by computing the total interest on all Warrants and deducting any premium. Any premium shall be used solely for the repayment of the principal of and interest on the Warrants. No bid at public sale for less than par shall be considered, and the Controller shall have the right to reject any and all bids at public sale. The proper officers of the City are authorized to deliver the time Warrants to the purchaser or purchasers of the Warrants at public sale in one or more series in exchange for the agreed purchase price in immediately available funds. The Warrants may be delivered in one or more Series at one time or in parcels from time to time, pursuant to any agreements or understandings with respect to such delivery by and between the Controller and the purchaser of the Warrants at public sale.

SECTION 4. The Warrants shall be issued in substantially the following form (all blanks, including the appropriate amounts, date, statutory citations, and other data, to be properly completed prior to the execution and delivery thereof):

No. _____

Principal \$ _____

CITY OF INDIANAPOLIS
TAX ANTICIPATION TIME WARRANT, SERIES 2003
(_____ [FUND] [ACCOUNT])

On the ____ day of _____, 2003, the City of Indianapolis ("City") in Marion County, Indiana promises to pay to [bearer] [The Indianapolis Local Public Improvement Bond Bank], at the office of the Marion County Treasurer, ex officio Treasurer of the City, the sum of _____ Dollars (\$_____), or so much of the principal amount of this Warrant (set forth below) as shall have been advanced as shown in Exhibit A plus interest at the rate of ____% per annum on the amount advanced for the period of the advance, except that any advance in excess of the Maximum Cumulative Monthly Advance as shown on Exhibit B shall bear as a rate of ____% per annum. This Warrant shall be payable solely out of and from ad valorem property taxes levied in the year of 2002, and payable in the [first installment] [second installment] for the year 2003 ("Taxes"), which Taxes are now in course of collection for the _____ of the City, with which to pay general, current, operating expenses.

This Warrant is in the principal amount of \$_____ evidencing a temporary loan in anticipation of the Taxes for the _____.

The temporary loan was authorized by an ordinance duly adopted by the City-County Council at a meeting thereof duly and legally convened and held on the ____ day of _____, 2002, for the purpose of providing funds for the _____ of the City, in compliance with IC 36-3-4-22.

The consideration for this Warrant is a loan made to the City in anticipation of Taxes levied for the _____ of the City for the year of 2002, payable in the [first installment] [second installment] for the year 2003, and the Taxes

November 25, 2002

so levied are hereby specifically appropriated and pledged to the payment of this Tax Anticipation Time Warrant.

It is hereby certified and recited that all acts, conditions, and things required to be done precedent to the authorization, preparation, complete execution and delivery of the warrants have been done and performed as provided by law.

IN WITNESS WHEREOF, the City of Indianapolis has caused the warrant to be signed in its corporate name by the manual or facsimile signature of the Mayor, and countersigned by the Controller of the City of Indianapolis, the corporate seal of the City to be hereunto affixed, and attested by the Clerk of the City of Indianapolis.

Dated this ____ day of _____, 2003.

CITY OF INDIANAPOLIS

By: _____

Mayor, City of Indianapolis

COUNTERSIGNED:

By: _____
Controller, City of Indianapolis

ATTEST:

By: _____
Clerk, City of Indianapolis

EXHIBIT A
(Advances)

[End of Warrant Form]

SECTION 5. The Warrants shall be executed in the name of the City by the manual or facsimile signature of the Mayor of the City, countersigned by the Controller of the City, the corporate seal of the City to be affixed thereto and attested by the Clerk of the City. The Warrants shall be payable at the office of the Marion County Treasurer, the ex officio City Treasurer, or the paying agent of the City. The Controller may pay costs of issuance of the Warrants from the proceeds thereof.

SECTION 6. In order to preserve the exclusion of interest on the Warrants from gross income for federal tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended and in existence on the date of issuance of the Warrants ("Code"), and as an inducement to purchasers of the Warrants, the City represents, covenants and agrees that:

(a) No person or entity other than the City or another state or local governmental unit will use proceeds of the Warrants other than as a member of the general public. Warrant proceeds shall be used exclusively for the purposes of the respective Funds or Accounts.

(b) No portion of the payment of the principal of or interest on the Warrants will (under the terms of the Warrant, this ordinance or any underlying arrangement), directly or indirectly, be (i) secured by an interest in property used or to be used for a private business use or payments in respect of such property or (ii) derived from payments in respect of such property or borrowed money used or to be used for a private business use.

(c) No Warrant proceeds will be loaned to any person or entity other than another state or local governmental unit. No Warrant proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the Warrant proceeds.

(d) The City will not take any action nor fail to take any action with respect to the Warrants that would result in the loss of the exclusion from gross income for federal tax purposes on the Warrants pursuant to Section 103 of the Code, nor will the City act in any other manner which would adversely affect such exclusion.

(e) The City represents that it intends to qualify for the exception to the rebate requirement of Section 148(f) of the Code set forth in Section 148(f)(4)(B) of the Code. However, if the City does not qualify for such exception with regard to any of the Warrants, the City will comply with the rebate requirement of Section 148(f) of the Code to the extent necessary to preserve the exclusion from gross income of interest on the Warrants and the Bond Bank obligations issued to purchase the Warrants for federal tax purposes.

(f) It shall not be an event of default under this ordinance, including without limitation subsections (a) through (e) of this Section, if the interest on any Warrants is not excludable from gross income for federal tax purposes or otherwise pursuant to any provision of the Code which is not currently in effect and in existence on the date of issuance of the Warrants.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

EXHIBIT A

<u>Fund</u>		<u>Total Annual Tax Levy</u>	<u>Maximum Annual Borrowing</u>
0701AA	Consolidated County General Fund	\$21,387,505	\$18,179,378
0701EA	Park General Fund	18,447,848	15,680,671
0701FA	Redevelopment Fund	523,629	445,085
0701GA	Sanitation Solid	24,303,454	20,657,936
0701JA	Consolidated City Police Force Account	37,954,140	32,261,019
0701KA	Consolidated City Fire Account	32,235,643	27,400,297
0703BZ	Metropolitan Thoroughfare Debt Service Fund	5,057,100	4,298,535
0703CZ	Park Debt Service Fund	1,695,000	1,440,750
0703DZ	City Debt Service Fund	445,000	378,250
0703EZ	Redevelopment Debt Service Fund	11,400,000	9,690,000
0703HZ	Sanitation Debt Service Fund	681,000	578,850
0703IA	MECA Fund	4,740,685	4,029,582
0704FB	Cumulative Capital Development Fund	13,018,483	11,065,711
0708BA	Police Pension Fund	5,428,637	4,614,341
0708CA	Firemen's Pension Fund	5,169,701	4,394,246
0701FE	Fall Creek - HOTIF 2 (0701FE)	25,000	21,250
0701FD	Barrington - HOTIF 1 (0701FD)	70,000	59,500
0701FF	UNWA (0701FF)	55,000	46,750
0703EE	UAL - UNITED AIRLINES	3,500,000	2,975,000
0703GD	Dow Elanco (0703GD)	1,200,000	1,020,000
0703GF	Harding Street (0703GF)	1,100,000	935,000
0703GH	CIRCLE CENTRE TIF SINKING	20,850,000	17,722,500
0703GJ	Golf - Warren (0703GJ)	520,000	442,000
0703GT	UAL (0703GT)	1,250,000	1,062,500
0703GV	CIRCLE CENTRE MALL BAN TAKEOUT 99	5,000,000	4,250,000
0708GW	REDV TAX INC REF(96 TRAN) REV BDS 2001	<u>2,900,000</u>	<u>2,465,000</u>
TOTAL		\$218,957,825	\$186,114,151

PROPOSAL NO. 557, 2002. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 557, 2002 on November 19, 2002. The proposal, sponsored by Councillor Sanders, approves of temporary tax anticipation borrowing for Marion County, Indiana, during the period from January 1, 2003, through December 31, 2003. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Sanders said that in reviewing the comparison given to the Committee regarding borrowing savings, she encouraged the County Treasurer to look at the schedule before borrowing to make sure the interest rates are truly better.

President Borst called for public testimony at 8:03 p.m. There being no one present to testify, Councillor McWhirter moved, seconded by Councillor Sanders, for adoption. Proposal No. 557, 2002, as amended, was adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gibson, Gray, Knox, Massie, McWhirter, Moriarty, Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford

0 NAYS:

2 ABSENT: Horseman, Langsford

Proposal No. 557, 2002, as amended, was retitled FISCAL ORDINANCE NO. 137, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 137, 2002

A PROPOSAL FOR A FISCAL ORDINANCE approving temporary tax anticipation borrowing, authorizing Marion County, Indiana ("County") to make temporary loans for the use of the funds listed on Exhibit A (collectively "Funds") during the period from January 1, 2003, through December 31, 2003, in anticipation of current taxes levied in the year 2002 and collectible in the year 2003 ("Taxes"), authorizing the issuance of tax anticipation time warrants ("Warrants") to evidence such loans; pledging and appropriating the Taxes to be received in the Funds to the payment of such Warrants, including the interest thereon; and fixing a time when this ordinance shall take effect.

WHEREAS, the Auditor of the County has filed with the Mayor of the City of Indianapolis ("City") an estimate and statement showing the amount of money needed to pay current expenses from the Funds pending the receipt of Taxes actually levied in 2002 and in the process of collection in 2003, and the Mayor did make and enter of record a finding and the Auditor and the Mayor have requested the City-County Council of Indianapolis and of Marion County ("City-County Council") to authorize temporary borrowing to procure funds necessary for use by the Funds to pay the incidental expenses necessary to be incurred in connection with the issuance and sale of the Warrants;

WHEREAS, the City-County Council now finds that the request should be granted and that there will be insufficient funds in each of the Funds to meet the current expenses payable from the respective Funds prior to the distributions of Taxes levied for such Fund, and the distributions of Taxes to be collected for each of the Funds will collectively amount to more than the amounts listed on Exhibit A and the interest cost of making temporary loans for the respective Funds; and

WHEREAS, a necessity exists for the making of temporary loans for these Funds in anticipation of Taxes for these Funds actually levied for the year 2002 and in the course of collection for the year 2003; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Auditor of the County and the Mayor of the City are authorized to borrow in the name of the County on temporary loans for the use and benefit of each of the Funds of the County in the maximum principal amounts listed on Exhibit A in anticipation of Taxes for the Fund for the year 2003, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the respective Funds for which they are issued and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in each Fund from the June and December 2003 distributions of Taxes for that Fund, for the payment of the principal of the Warrants evidencing such temporary loan and the amount of interest on such principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 2. (a) All Warrants issued pursuant to this ordinance shall bear interest at the rate or rates, not to exceed a maximum rate of eight percent per annum, to be determined as provided in Section 3 and subsection (b). The Warrants for each Fund may be issued in one series, designated Series 2003 Warrants ("Series 2003 Warrants") or in two or more series, designated Series 2003A and Series 2003B or such other description as

the Auditor shall deem appropriate ("Series A Warrants" and "Series B Warrants", respectively). The Series 2003 Warrants for each Fund may be issued in an amount not to exceed the respective amounts set forth herein with interest thereon. The Series A Warrants for each Fund may be issued in an amount not to exceed the amount of the distribution of Taxes scheduled for June 2003 for that Fund. The Series B Warrants for each Fund may be issued in an amount not to exceed the amount of the December 2003 distribution of Taxes for that Fund. All Series A Warrants shall mature and be payable not later than on September 30, 2003. All Series B Warrants and Series 2003 Warrants shall mature and be payable not later than December 31, 2003. The Warrants shall be dated as of the date or dates of actual delivery of the respective Warrants.

(b) The interest rate on the Warrants will be determined as provided in Section 3. The Warrants are not subject to redemption prior to their respective maturity dates if sold at public sale and may be redeemed as set forth in the purchase agreement with either the Indiana Bond Bank ("Indiana Bond Bank") or The Indianapolis Local Public Improvement Bond Bank ("Local Bond Bank") if sold to it.

SECTION 3. (a) The Auditor may sell the Warrants in one or more series as set forth in Section 2 pursuant to either subsection (b) or (c) of this section. The Auditor is hereby authorized and directed to have the Warrants prepared, and The Board of Commissioners of the County ("Commissioners"), Mayor and Auditor are hereby authorized and directed to execute and attest the Warrants in the manner substantially set out in the form provided below.

(b) The Auditor may sell any or all the Warrants to either the Indiana Bond Bank pursuant to IC 5-1.5 or the Local Bond Bank pursuant to IC 5-1.4 on such terms and conditions as are consistent with this ordinance and mutually agreed to between the Auditor and either the Indiana Bond Bank or the Local Bond Bank. In the event of a sale of such Warrants to either the Indiana Bond Bank or the Local Bond Bank, the Commissioners, the Mayor and Auditor are authorized to execute a purchase agreement with the Bond Bank in an acceptable form and to do such other actions and execute such documents as may be required by the Bond Bank as a condition to the purchase of such Warrants.

(c) The Auditor may sell any or all the Warrants at public sale. Prior to the sale of the Warrants at public sale, the Auditor shall cause a notice of sale to be published twice, with the first publication at least fifteen days before the date of sale and the second publication at least three days before the sale date, in two newspapers of general circulation, printed in the English language and published in the County, as provided by IC 5-3-1. All bids at public sale for the Warrants shall be sealed and shall be presented to the Auditor at his office, and all bids shall name the rate or rates of interest for the Warrants or portion thereof. If sold at public sale, the Warrants, or portion thereof bid for, shall be awarded to the bidder or bidders offering the lowest net interest cost to the County determined by computing the total interest on all Warrants and deducting any premium. Any premium shall be used solely for the repayment of the principal of and interest on the Warrants. No bid at public sale for less than par shall be considered, and the Auditor shall have the right to reject any and all bids at public sale. The proper officers of the County are authorized to deliver the time Warrants to the purchaser or purchasers of the Warrants at public sale in one or more series in exchange for the agreed purchase price in immediately available funds. The Warrants may be delivered in one or more series at one time or in parcels from time to time, pursuant to any agreements or understandings with respect to such delivery by and between the Auditor and the purchaser of the Warrants at public sale.

SECTION 4. The Warrants shall be issued in substantially the following form (all blanks, including the appropriate amounts, date, statutory citations, and other data, to be properly completed prior to the execution and delivery thereof):

No. _____

Principal \$ _____

MARION COUNTY
TAX ANTICIPATION TIME WARRANT, SERIES 2003 _____
(_____ FUND)

On the _____ day of _____, 2003, the Board of Commissioners of Marion County, Indiana ("County") promises to pay to [bearer] [The Indiana Bond Bank or The Indianapolis Local Public Improvement Bond Bank], at the office of the Marion County Treasurer the sum of _____ Dollars (\$ _____), or so much of the principal amount of this Warrant (set forth below) as shall have been advanced as shown in Exhibit A plus interest at the rate of _____% per annum on the amount advanced for the period of the advance, except that any advance in excess of the Maximum Cumulative Monthly Advance as shown on Exhibit B shall bear interest at the rate of _____% per annum. This Warrant shall be payable solely out of and from ad valorem property taxes levied in the year 2002, and payable from the [first installment] [second installment] for the year 2003 ("Taxes"), which Taxes are now in

November 25, 2002

course of collection for the County _____ Fund, with which to pay general, current, operating expenses.

This Warrant is in the principal amount of _____ Dollars (\$_____), evidencing a temporary loan in anticipation of the Taxes for the County _____ Fund.

The temporary loan was authorized by an ordinance duly adopted by the City-County Council at a meeting thereof duly and legally convened and held on the _____ day of _____, 2002, for the purpose of providing funds for the County _____ Fund, in compliance with IC 36-2-6.

The consideration for this Warrant is a loan made to the County in anticipation of Taxes levied for the County _____ Fund for the year of 2002, payable in the [first installment] [second installment] for the year 2003, and the Taxes so levied are hereby specifically appropriated and pledged to the payment of this Tax Anticipation Time Warrant.

It is hereby certified and recited that all acts, conditions, and things required to be done precedent to the authorization, preparation, complete execution and delivery of the warrants have been done and performed as provided by law.

IN WITNESS WHEREOF, The Board of Commissioners of Marion County, Indiana has caused the warrant to be signed in the corporate name of the County by the manual or facsimile signatures of the Commissioners, countersigned by the Mayor and attested by the Auditor and the corporate seal of The Board of Commissioners to be hereunto affixed.

Dated this _____ day of _____, 2003.

THE BOARD OF COMMISSIONERS
OF MARION COUNTY, INDIANA

By:

Commissioner

By:

Commissioner

By:

Commissioner

COUNTERSIGNED:

By: _____
Mayor, City of Indianapolis

ATTEST:

By: _____
Auditor, Marion County

EXHIBIT A
(ADVANCES)

[END OF WARRANT FORM]

SECTION 5. The Warrants shall be executed in the name of the County by the manual or facsimile signatures of the Commissioners, countersigned by the Mayor of the City, the corporate seal of the County to be affixed thereto and attested by the Auditor of the County. The Warrants shall be payable at the office of the Marion County Treasurer, or the paying agent of the City. The Auditor may pay costs of issuance of the Warrants from the proceeds thereof.

SECTION 6. In order to preserve the exclusion of interest on the Warrants from gross income for federal tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended and in existence on the date of issuance of the Warrants ("Code"), and as an inducement to purchasers of the Warrants, the County represents, covenants and agrees that:

(a) No person or entity other than the County or another state or local governmental unit will use proceeds of the Warrants other than as a member of the general public. Warrant proceeds shall be used exclusively for the purposes of the respective Funds.

(b) No portion of the principal of or interest on the Warrant proceeds will (under the terms of the Warrant, this ordinance or any underlying arrangement), directly or indirectly, be (i) secured by an interest property used or to be used for a private business use or payments in respect of such property or (ii) derived from payments in respect of such property or borrowed money used or to be used for a private business use.

(c) No Warrant proceeds will be loaned to any person or entity other than another state or local governmental unit. No Warrant proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the Warrant proceeds.

(d) The County will not take any action nor fail to take any action with respect to the Warrants that would result in the loss of the exclusion from gross income for federal tax purposes on the Warrants pursuant to Section 103 of the Code, nor will the County act in any other manner which would adversely affect such exclusion.

(e) The County represents that it intends to qualify for the exception to the rebate requirement of Section 148(f) of the Code set forth in Section 148(f)(4)(B) of the Code. However, if the County does not qualify for such exception with regard to any of the Warrants, the County will comply with the rebate requirement of Section 148(f) of the Code to the extent necessary to preserve the exclusion from gross income of interest on the Warrants and the Bond Bank obligations issued to purchase the Warrants for federal tax purposes.

(f) It shall not be an event of default under this ordinance, including without limitation subsections (a) through (e) of this Section, if the interest on any Warrants is not excludable from gross income for federal tax purposes or otherwise pursuant to any provision of the Code which is not currently in effect and in existence on the date of issuance of the Warrants.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

EXHIBIT A

<u>Name of Fund</u>	<u>Annual Tax Levy</u>	<u>Maximum Annual Borrowing</u>
County General Fund	\$106,222,972	\$84,978,378
County Cumulative Fund	8,632,439	6,905,951
County Reassessment Fund	1,720,655	1,376,524
County Family and Children's Fund	45,466,124	36,372,899
County Family and Children Debt Service Fund	<u>9,476,031</u>	<u>7,580,825</u>
TOTAL	\$171,518,221	\$137,214,577

PROPOSAL NO. 558, 2002. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 558, 2002 on November 19, 2002. The proposal, sponsored by Councillor McWhirter, approves an increase of \$4,875,880 in the 2002 Budget of the County Auditor (County General Fund) to authorize \$4 million for ISA projects reimbursed by the City and an \$875,000 increase in health insurance premiums, funded by fund balances. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Borst called for public testimony at 8:04 p.m. There being no one present to testify, Councillor McWhirter moved, seconded by Councillor Cockrum, for adoption. Proposal No. 558, 2002 was adopted on the following roll call vote; viz:

25 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gibson, Gray, Knox, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Smith, Soards, Talley, Tilford
 0 NAYS:
 2 NOT VOTING: Massie, Short
 2 ABSENT: Horseman, Langsford

Proposal No. 558, 2002 was retitled FISCAL ORDINANCE NO. 138, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 138, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 96, 2001) appropriating an additional Four Million Eight Hundred Seventy-five Thousand Eight Hundred Eighty Dollars (\$4,875,880) in the County General Fund for purposes of the County Auditor and reducing the unappropriated and unencumbered balance in the County General Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
 CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(a) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor to pay health insurance premiums. Premiums have increased significantly over original estimates and there are 208 more participants in the plans over 2001.

SECTION 2. The sum of Four Million Eight Hundred Seventy-five Thousand Eight Hundred Eighty Dollars (\$4,875,880) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services-fringes	875,880
3. Other Services & Charges	<u>4,000,000</u>
TOTAL INCREASE	4,875,880

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered	
County General Fund	<u>4,875,880</u>
TOTAL REDUCTION	4,875,880

SECTION 5. The projected December 31, 2002, fund balance for the County General Fund is as follows:

Current cash balance	(19,107,781.22)
Anticipated additional revenue through December 31, 2002	<u>77,056,746.00</u>
Projected funds available	57,948,964.78
Remaining appropriations and encumbrances	35,518,455.97
Proposed additional appropriation	<u>4,875,880.00</u>
Projected fund balance December 31, 2002	17,554,628.81

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 560 and 562, 2002 on November 13, 2002. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 560, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$70,000 in the 2002 Budget of the County Sheriff (Cumulative Capital Development Fund) for the purchase of three transportation vans, financed by fund balances. PROPOSAL NO. 562, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$40,560 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) to fund an additional appropriation for the Probation Department so they may expand their ability to assist in the process of screening and tracking Community Transition Program offenders, funded by a state grant (Department of Correction, Community Correction Grant Program). By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President Borst called for public testimony at 8:06 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal Nos. 560 and 562, 2002 were adopted on the following roll call vote; viz:

26 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gibson, Gray, Knox, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford

0 NAYS:

1 NOT VOTING: Massie

2 ABSENT: Horseman, Langsford

Proposal No. 560, 2002 was retitled FISCAL ORDINANCE NO. 139, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 139, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Seventy Thousand Dollars (\$70,000) in the Cumulative Capital Development Fund for purposes of the County Sheriff and reducing the unappropriated and unencumbered balance in the Cumulative Capital Development Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(f) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Sheriff to purchase three transportation vans.

SECTION 2. The sum of Seventy Thousand Dollars (\$70,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY SHERIFF</u>	<u>CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
4. Capital Outlay	70,000
TOTAL INCREASE	70,000

SECTION 4. The said additional appropriation is funded by the following reductions:

<u>CUMULATIVE CAPITAL DEVELOPMENT FUND</u>	
Unappropriated and Unencumbered	
Cumulative Capital Development Fund	<u>70,000</u>
TOTAL REDUCTION	70,000

SECTION 5. The projected December 31, 2002, fund balance for the Cumulative Capital Development Fund is as follows:

Current cash balance	(559,387.29)
Anticipated additional revenue through December 31, 2002	<u>2,697,350.00</u>
Projected funds available	2,137,962.71
Remaining appropriations and encumbrances	1,540,500.00
Proposed additional appropriation	<u>70,000.00</u>
Projected fund balance December 31, 2002	527,462.71

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 562, 2002 was retitled FISCAL ORDINANCE NO. 140, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 140, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Forty Thousand Five Hundred Sixty Dollars (\$40,560) in the State and Federal Grants Fund for purposes of the County Auditor and Community Corrections and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Community Corrections to fund additional appropriation for the Probation Department so they may expand their ability to assist in the process of screening and tracking Community Transition Program offenders.

SECTION 2. The sum of Forty Thousand Five Hundred Sixty Dollars (\$40,560) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services-fringes	9,360
<u>COMMUNITY CORRECTIONS</u>	
1. Personal Services	<u>31,200</u>
TOTAL INCREASE	40,560

SECTION 4. The said additional appropriation is funded by the following reductions:

<u>STATE AND FEDERAL GRANTS FUND</u>	
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>40,560</u>
TOTAL REDUCTION	40,560

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or

project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 564, 2002. Councillor Bainbridge reported that the Public Works Committee heard Proposal No. 564, 2002 on November 21, 2002. The proposal, sponsored by Councillors Coughenour and Moriarty Adams, approves an appropriation of \$220,000 in the 2002 Budget of the Department of Public Works, (Transportation General Fund) to fund overtime hours used to clean up after the storms of September 20, 2002, financed by fund balances. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Borst called for public testimony at 8:08 p.m. There being no one present to testify, Councillor Bainbridge moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 564, 2002 was adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gibson, Gray, Knox, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford

0 NAYS:

2 ABSENT: Horseman, Langsford

Proposal No. 564, 2002 was retitled FISCAL ORDINANCE NO. 141, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 141, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating Two Hundred Twenty Thousand Dollars (\$220,000) in the Transportation General Fund for purposes of the Department of Public Works, Operations Division and reducing the unappropriated and unencumbered balance in the Transportation General Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(j) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for the Department of Public Works, Operations Division to fund overtime hours used to clean-up after the storms of September 20, 2002.

SECTION 2. The sum of Two Hundred and Twenty Thousand Dollars (\$220,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4

SECTION 3. The following increased appropriation is hereby approved:

DEPARTMENT OF PUBLIC WORKS
OPERATIONS DIVISION

1. Personal Services
TOTAL INCREASE

TRANSPORTATION GENERAL FUND
220,000
220,000

SECTION 4. The said additional appropriation is funded by the following reductions:

Unappropriated and Unencumbered
Transportation General Fund
TOTAL DECREASE

TRANSPORTATION GENERAL FUND
220,000
220,000

SECTION 5. The projected December 31, 2002, fund balance for the Transportation General Fund is as follows:

Current cash balance (November 6, 2002)	37,280,344
Anticipated additional revenue through December 31, 2002	<u>6,110,958</u>
Projected funds available	43,391,302
 Remaining appropriations and encumbrances	 22,405,469
Proposed additional appropriation	<u>220,000</u>
Projected fund balance December 31, 2002	20,985,833

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 246, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 246, 2002 on June 5, October 9, October 29, and November 13, 2002. The proposal, sponsored by Councillors Smith and Schneider, amends the Revised Code relating to the citizens police complaint board. By a 7-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Boyd asked if there were changes made to the composition of the board through amendments made. Councillor Dowden said that no voting members were added, but an ex-officio member appointed by the president of the Fraternal Order of Police was added as a non-voting member. Councillor Boyd said that he was noted as a sponsor at the time of introduction, as were Councillors Sanders and Horseman, but have all asked to be removed due to amendments made. He said that this proposal has not had the normal hearing process provided by the Council Rules and instead went through a sub-committee task force.

Councillor Conley asked why a non-voting member needs to be added. Councillor Dowden said that the working group recommended this addition.

Councillor Talley asked if Indianapolis Police Department (IPD) Chief Jerry Barker and Public Safety Department Director Robert Turner support the proposal as amended. Councillor Dowden said that these two individuals were part of the working group making these suggestions and recommendations and have not expressed that they are not in support of them.

Councillor Moriarty Adams said that this has been a very controversial issue, and she respects the work that this board and the working members have done. All nine members of the board are in support of the amendments, and they have worked on these changes for three years. She said that it may not be perfect, but a lot of time and effort has gone into it, and she would like to see it moved forward.

Councillor Smith stated that Chief Barker and Director Turner attended all of the working group meetings and have reviewed all of the amendments. He said that he is confident that these individuals support the proposal, as the president of the Fraternal Order of Police, Dave Young, has communicated he spoke today with Chief Barker.

Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 246, 2002, as amended, was adopted on the following roll call vote; viz:

18 YEAS: Bainbridge, Black, Borst, Bradford, Brents, Cockrum, Coonrod, Coughenour, Dowden, Frick, Knox, Massie, McWhirter, Moriarty Adams, Schneider, Smith, Soards, Tilford
9 NAYS: Boyd, Conley, Douglas, Gibson, Gray, Nytes, Sanders, Short, Talley
2 ABSENT: Horseman, Langsford

Councillors Boyd, Talley, and Sanders asked for consent to explain their votes. Consent was given. Councillor Boyd said that if there were a way to vote for the proposal as introduced, he would have voted in favor, but cannot vote in favor of the addition of a police officer to the board without an equal addition of a citizen member. Councillor Talley said that changing the language from "shall" to "may" caused him to vote against the proposal. Councillor Sanders said that while she agrees with the general purpose of the board and many of the things the proposal ensures, she could not support because of the additional police presence on the board.

Councillor Smith said that the Council can continue to work with all parties on tweaking this board and its purpose, and this does not have to be the final say.

Proposal No. 246, 2002, as amended, was retitled GENERAL ORDINANCE NO. 110, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 110, 2002

A PROPOSAL FOR GENERAL ORDINANCE amending the Revised Code relating to the citizens police complaint board.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Secs. 251-131, 251-132, 251-134 and 251-135 of the Revised Code of the City of Indianapolis and Marion County are hereby amended by adding the underlined text and deleting the stricken-through text, to read as follows:

Sec. 251-131. Citizens police complaint office.

(a) There shall be established the citizens police complaint office as a part of the department of public safety. Any complaint of a citizen against a police officer alleging that the officer used profane and abusive language or intentionally destroyed or damaged real or personal property, exceeded his/her authority as a police officer, used unauthorized force, or acted in violation of Indianapolis Police Department rules and regulations or orders may be filed with the citizens police complaint office. In addition, if a complainant alleges that intimidation tactics are being used to impede the filing of a complaint, the complainant shall report this to the complaint office and a separate complaint will be filed regarding the new information. Each complaint shall be filed within sixty (60) days of the action giving rise to the complaint, shall be in writing, and shall be signed by the person making the complaint, who shall affirm under the penalties of perjury that the representations contained therein are true. The complaint may be filed in person or by facsimile or through the mail. Additionally, complaints may be filed after the expiration of the sixty-day time period where the person making the complaint was under a legal disability during the sixty-day time period or where, upon a showing of good and sufficient cause and upon majority vote of the board, a person is permitted to belatedly file a complaint.

(b) Any individual personally aggrieved by the act(s) complained of may file a complaint. A parent or guardian may file a complaint on behalf of a minor or incompetent individual. A member of the immediate family of a decedent may file a complaint on behalf of the decedent. The board may, upon two-thirds vote of its members, initiate an action.

(c) The complaint process shall be accessible to all citizens regardless of race, national origin, religion, creed, sex, sexual orientation, age, language or disability.

Sec. 251-132. Citizens police complaint board established; election process; terms; quorum.

(a) *Members.* There shall be established a citizens police complaint board composed of nine (9) voting members, ~~and two (2) ex-officio, nonvoting police advisory members, and one (1) ex-officio, nonvoting rank-and-file consulting member~~ to be selected as follows:

- (1) All voting members shall be citizens who are residents of the police special service district. No sworn law enforcement officer is eligible to serve as a voting member of the board. Voting members may be selected from nominees submitted by the five (5) Indianapolis Police Department district task forces which are convened by the deputy chief of each district. Exception can be that in the event a vacancy is not or cannot be filled in a timely manner per the provisions of this article, the original appointing body may make the appointment using its normal process for making appointments. No district task force may nominate more than three (3) candidates for appointment to the board. There must be at least one voting member from each Indianapolis Police Department district task force on the citizens police complaint board, with no more than three from any one district.
- (2) Five (5) of the members shall be appointed by the city-county council. At least two (2) of these five (5) members must be of a different political party. Two (2) of these members shall serve for a one-year term ending December 31, 1998, two (2) of these members shall serve for a two-year term ending December 31, 1999, and one (1) of these members shall serve for a three-year term ending December 31, 2000, or until their successors are appointed and confirmed, but for no longer than sixty (60) days beyond the expiration of their term.
- (3) Four (4) of the members shall be appointed by the mayor. One (1) of these members shall serve for a one-year term ending December 31, 1998, one (1) of these members shall serve for a two-year term ending December 31, 1999, and two (2) of these members shall serve for a three-year term ending December 31, 2000, or until their successors are appointed and confirmed, but for no longer than sixty (60) days beyond the expiration of their term.
- (4) Upon the expiration of any voting member's term, an appointment will be made to his position by the original appointing body, for a term of three (3) years. Each member may be reappointed to a three-year term, but may serve no more than two (2) consecutive terms. If a member is unable to complete his/her term for any reason, the original appointing body shall appoint a new member to complete the term. Such new member shall then be eligible to be reappointed for no more than one (1) additional full consecutive term, if he/she has served eighteen (18) months or more of the original term, and no more than two (2) additional full consecutive terms, if he/she has served less than eighteen (18) months of the original term.
- (5) The two (2) ex-officio, nonvoting police members of the board shall be appointed as follows: one (1) by the mayor and one (1) by the city-county council and shall serve two-year terms ending December 31, 1999. The officers appointed shall:
 - a. Have been members of the Indianapolis Police Department for more than (7) years;
 - b. Shall have participated in ethics training;
 - c. Have strong community relations experience;
 - d. Be of the rank of sergeant or below in rank, preferably a patrolman; and
 - e. Shall not serve more than two (2) consecutive terms on the board.
- (6) The one (1) ex-officio, nonvoting rank-and-file consulting member shall be appointed by the President of the Fraternal Order of Police and shall serve one year terms ending December 31, 2003.
 - (b) *President.* The voting members shall select one (1) member to serve as president of the citizens complaint board from the voting members of the board.
 - (c) *Removal.* All members shall serve at the pleasure of the appointing officials.
 - (d) *Establishment of quorum; votes required for action.* Five (5) voting members of the board shall constitute a quorum for the purpose of conducting business. Five (5) voting members of the board must vote in favor of any item before any action or disposition can be taken by the board.
 - (e) *Attendance requirements.* All voting and ex-officio board members must attend a minimum of seventy-five (75) percent of the meetings of the board. The appointing authority shall replace any member who fails to meet this attendance requirement within sixty (60) days of written notice of failure to meet this attendance standard.

(f) *Training.* All voting board members must participate in twenty (20) hours of training in police procedures, to be completed within six (6) months of their appointment, and shall receive an additional twenty (20) hours of such training per year. In addition, each voting member shall be required to accompany an on-duty officer a minimum of ~~four (4) times~~ sixteen (16) hours per year, for a minimum of four (4) hours per occasion, in order to observe police procedures first-hand. The appointing authority shall replace any member who fails to meet these training requirements after written notice of failure to meet these standards.

Sec. 251-133. Duties of the citizens police complaint board.

The citizens police complaint board shall meet as often as necessary to consider all complaints which it deems appropriate to process and review, but no less than quarterly. The board shall set rules for its governance and shall establish its procedures for processing complaints and for ensuring notification to citizens of the status and disposition of their complaints.

Sec. 251-134. Executive director; staffing.

(a) The director of the department of public safety shall appoint a full-time executive director of the citizens police complaint office. The executive director shall be supervised by and subject to review and evaluation by the director of public safety, with the advice and consent of the members of the board. The duties of the executive director shall include:

- (1) Managing the citizens police complaint office, including its staff;
- (2) Enhancing communications and good will between the police and the citizenry.

(b) The executive director shall have the authority to contract with investigators and counsel, if the city corporation counsel is not available, to aid in the investigation of complaints filed with or processed by the office.

(c) The executive director shall be in regular communication with the chief of police and may make recommendations to the chief of police concerning matters of conduct and recurring issues that are processed by the citizens police complaint office. The executive director shall also provide periodic reports for publication in the police annual report.

(d) Staffing and budget recommendations for the citizens police complaint office shall be made by the director of public safety in consultation with the executive director and the board.

(e) The Executive Director shall forward a quarterly report of each member's attendance and a report of each voting member's training participation, as required by Sec. 251-132 (e) and Sec. 251-132 (f), to the member's appointing body, the director of public safety, and the chief of police.

Sec. 251-135. Complaint investigation and hearing procedures.

(a) Upon the filing of a complaint, the executive director shall immediately send a copy of the complaint to the chief or the chief's designee. In addition, the officer(s) alleged to be involved in the incident shall be notified of the date of the incident, and given a copy of the complaint. After the filing of a complaint, the board shall table its own investigation for a period of sixty (60) working days to allow the police department to conduct its own investigation and to allow the chief to take appropriate action. The chief may request an extension of time to complete the investigation from the director of public safety. However, if deemed appropriate or necessary, the board may order the executive director to conduct an independent simultaneous investigation before the end of the ~~sixty (60) working day period~~ investigation conducted by the police department. Such action must be authorized by a three-fourths (3/4) vote of the entire board.

(b) ~~After the expiration of the sixty (60) working day period~~ When the investigation is returned to the citizens police complaint office, the board shall review the investigation conducted by the police department and the action taken by the chief, if any. The board may dispose of the complaint by endorsing the findings and action taken by the department and shall notify the chief of this in writing. If the board does not agree with the action taken by the chief or with the results of the investigation conducted by the police department, the board may, by majority vote:

- (1) Order the executive director to conduct an investigation into the allegations of the complaint; and/or
- (2) Conduct an informal administrative hearing on the complaint; and/or

- (3) Order the executive director to engage in a process of informal mediation to attempt to resolve the complaint.

(c) If the board determines to hold a hearing, the complaint office shall give written notice to all parties and witnesses at least fifteen (15) days in advance of the scheduled hearing. All testimony at such hearing shall be given under oath and under penalty of perjury.

(d) Upon the completion of the investigation by the complaint office or after the hearing, the board shall make a disposition regarding the complaint. The disposition shall be one (1) or more of the following:

- (1) *Not sustained*: There is insufficient evidence to prove the allegation(s) made in the complaint by clear and convincing evidence.
- (2) *Sustained*: There is sufficient evidence to prove the allegation(s) made in the complaint by clear and convincing evidence.
- (3) ~~*Unfounded*~~ *Exonerated*: ~~The incident(s)~~ The allegation(s) made in the complaint is/are false or not factual or the conduct complained of was lawful and proper.
- (4) ~~*Founded*~~ ~~The incident(s) did occur.~~ *Withdrawn*: The complainant requests that no further action be taken on the case.

The disposition must be made within ~~one hundred twenty (120)~~ sixty (60) working days of the date the complaint is received by the office after the police department's investigation is returned to the complaint office or after the conclusion of the investigation conducted by the executive director pursuant to Sec. 251-135 (a).

(e) The findings and disposition of the board shall be communicated to the chief of police in writing within ten (10) days of the date of the disposition.

(f) If the chief does not confirm the findings and disposition of the board within thirty (30) days of disposition or if there is a conflict between the findings and disposition of the board and the findings of the chief, the board may, upon a majority vote of its members, require mediation between the chief of police and the executive director.

(g) Any disciplinary action taken against an officer due to his/her involvement in an incident which resulted in a complaint being filed with the office shall be communicated to the board for disclosure to the public.

Sec. 251-136. Subpoena powers.

For purposes of conducting an investigation or hearing, the board shall have the power to subpoena witnesses and documents, except those documents relating to ongoing criminal investigations, including such public records as are deemed subject to disclosure under the terms of IC 5-14-3-1 et seq. The power of the board to issue subpoenas shall be enforceable by the Marion County circuit or superior court.

Sec. 251-137. Access to board by officers; participation of officers.

- (1) Any officer subpoenaed to appear before the board may be represented by an attorney.
- (2) Police officers shall have access to the complaint process to defend their actions, both during the investigatory and hearing processes.
- (3) Police officers shall be required to cooperate with the board as an investigation is conducted subject to their constitutional rights.

PROPOSAL NO. 524, 2002. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 524, 2002 on November 19, 2002. The proposal, sponsored by Councillors Langsford and Nytes, approves a transfer of \$175,000 in the 2002 Budget of the Department of Administration, Fleet Services Division (Consolidated County Fund) to cover costs for an upgrade of the Fleet Management System (M5) which will streamline workflow processes and improve responsiveness. By a 7-0 vote, the Committee reported the proposal to the

Council with the recommendation that it do pass. Councillor McWhirter moved, seconded by Councillor Nytes, for adoption. Proposal No. 524, 2002 was adopted on the following roll call vote; viz:

26 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gibson, Gray, Knox, Massie, McWhirter, Moriarty, Adams, Nytes, Sanders, Schneider, Short, Soards, Talley, Tilford

0 NAYS:

1 NOT VOTING: Smith

2 ABSENT: Horseman, Langsford

Proposal No. 524, 2002 was retitled FISCAL ORDINANCE NO. 142, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 142, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) transferring and appropriating an additional One Hundred Seventy-five Thousand Dollars (\$175,000) in the Consolidated County Fund for purposes of the Department of Administration, Fleet Services Division, and reducing certain other appropriations for that division.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (h) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Administration, Fleet Services Division, to cover costs for an upgrade of the Fleet Management System (M5) which will streamline workflow processes and improve responsiveness.

SECTION 2. The sum of One Hundred Seventy-five Thousand Dollars (\$175,000) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF ADMINISTRATION</u>	
<u>FLEET SERVICES DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
3. Other Services and Charges	<u>175,000</u>
TOTAL INCREASE	175,000

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>DEPARTMENT OF ADMINISTRATION</u>	
<u>FLEET SERVICES DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
2. Materials and Supplies	<u>175,000</u>
TOTAL DECREASE	175,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 559, 2002. Councillor Cockrum reported that the Parks and Recreation Committee heard Proposal No. 559, 2002 on November 14, 2002. The proposal, sponsored by Councillors Cockrum and Douglas, approves a transfer of \$400,000 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) to fund staffing for two year-round swimming pools (Forest Manor and Washington Middle Schools) unanticipated in the 2002 budget, as well as overtime needs for storm clean-up from September 20, 2002. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Cockrum moved, seconded by Councillor Massie, for adoption. Proposal No. 559, 2002 was adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gibson, Gray, Knox, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford

0 NAYS:

2 ABSENT: Horseman, Langsford

Proposal No. 559, 2002 was retitled FISCAL ORDINANCE NO. 143, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 143, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) transferring Four Hundred Thousand Dollars (\$400,000) in the Park General Fund for purposes of the Department of Parks and Recreation and reducing certain other appropriations for that department.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(l) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to fund staffing for two year round pools, at Forest Manor and Washington Middle Schools, unanticipated in the 2002 budget, as well as overtime needs for storm clean-up from September 20, 2002.

SECTION 2. The sum of Four Hundred Thousand Dollars (\$400,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
1. Personal Services	400,000
TOTAL INCREASE	400,000

SECTION 4. The said additional appropriation is funded by the following reductions:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
2. Materials and Supplies	62,500
3. Other Services and Charges	266,000
4. Capital Outlay	71,500
TOTAL DECREASE	400,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 561 and 563, 2002 on November 13, 2002. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 561, 2002. The proposal, sponsored by Councillor Dowden, approves a transfer of \$500,000 in the 2002 Budget of the County Sheriff (County General Fund) to provide for the shortage of money in the 2002 budget for gasoline. PROPOSAL NO. 563, 2002. The proposal, sponsored by Councillor Dowden, approves a transfer of \$102,024 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) to fund additional work release beds and day reporting slots, and rescinds Fiscal Ordinance No. 67, 2002, due to incorrect transfer of dollar amount. By 9-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Dowden moved, seconded by

Councillor Smith, for adoption. Proposal Nos. 561 and 563, 2002 were adopted on the following roll call vote; viz:

26 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gibson, Gray, Knox, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford

0 NAYS:

1 NOT VOTING: Bradford

2 ABSENT: Horseman, Langsford

Proposal No. 561, 2002 was retitled FISCAL ORDINANCE NO. 144, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 144, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) transferring and appropriating an additional Five Hundred Thousand Dollars (\$500,000) in the County General Fund for purposes of the County Sheriff and reducing certain other appropriations from that department.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(f) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Sheriff to provide for the shortage of money in the 2002 budget for gasoline.

SECTION 2. The sum of Five Hundred Thousand Dollars (\$500,000) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>COUNTY SHERIFF</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	500,000
TOTAL INCREASE	500,000

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>COUNTY SHERIFF</u>	<u>COUNTY GENERAL FUND</u>
1. Personnel Services	400,000
3. Other Services and Charges	100,000
TOTAL DECREASE	500,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 563, 2002 was retitled FISCAL ORDINANCE NO. 145, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 145, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No.97, 2001) transferring and appropriating an additional One Hundred Two Thousand Twenty-four Dollars (\$102,024) in the State and Federal Grants Fund for purposes of Community Corrections and the County Auditor and reducing certain other appropriations for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the

increases and reductions hereinafter stated for the purpose of the County Auditor and Community Corrections to fund additional work release beds and day reporting slots rescinds Fiscal Ordinance No. 67, 2002, due to incorrect transfer of dollar amount.

SECTION 2. The sum of One Hundred Two Thousand Twenty-four Dollars (\$102,024) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>COMMUNITY CORRECTIONS</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	102,024
TOTAL INCREASE	102,024

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - fringes	60,158
<u>COMMUNITY CORRECTIONS</u>	
1. Personal Services	48,866
TOTAL DECREASE	102,024

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 565, 2002. Councillor Bainbridge reported that the Public Works Committee heard Proposal No. 565, 2002 on November 21, 2002. The proposal, sponsored by Councillors Coughenour and Moriarty Adams, approves a transfer of \$250,000 in the 2002 Budget of the Department of Public Works, Operation Division (Transportation General Fund) to pay for renovation to the silk screen room within the sign paint shop to improve ventilation and to construct a pole barn for equipment storage. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Knox said that he had a tour of the silk screen room and sign paint shop and values the work that this division does, but is concerned about the conditions they have to work in.

Councillor Bainbridge moved, seconded by Councillor Knox, for adoption. Proposal No. 565, 2002 was adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gibson, Gray, Knox, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford

0 NAYS:

2 ABSENT: Horseman, Langsford

Proposal No. 565, 2002 was retitled FISCAL ORDINANCE NO. 146, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 146, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) transferring Two Hundred and Fifty Thousand Dollars (\$250,000) in the Transportation General Fund for purposes of the Department of Public Works, Operations Division and reducing the unappropriated and unencumbered balance in the Transportation General Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(j) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Operations Division to pay for renovation to the silk screen room within the sign paint shop to improve ventilation, and to construct a pole barn for equipment storage.

SECTION 2. The sum of Two Hundred and Fifty Thousand Dollars (\$250,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u>	
<u>OPERATIONS DIVISION</u>	<u>TRANSPORTATION GENERAL FUND</u>
4. Capital Outlay	250,000
TOTAL INCREASE	250,000

SECTION 4. The said additional appropriation is funded by the following reductions:

<u>DEPARTMENT OF PUBLIC WORKS</u>	
<u>OPERATIONS DIVISION</u>	<u>TRANSPORTATION GENERAL FUND</u>
2. Materials and Supplies	250,000
TOTAL DECREASE	250,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 570, 2002. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 570, 2002 on November 18, 2002. The proposal, sponsored by Councillors Talley and Smith, requests the Metropolitan Development Commission to consider certain amendments to permit an exemption for signage in any zoning district related to not-for-profit activities. By a 5-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Talley said that it is important to help these non-profit groups who are offering services to the citizens of this community without contributing to sign pollution. Councillors Schneider and Gibson voiced their support of the proposal and offered their services to Councillor Talley when he brings this recommendation before the Metropolitan Development Commission.

Councillor Nytes said that she voted against the proposal in Committee in consideration of the position of the Marion County Alliance of Neighborhood Associations (MCANA). However, she recognizes that this is simply a request that the Commission consider these amendments, and therefore she will support the proposal this evening.

Councillor Black said that he would like to see the four-hour time limit for taking down signs change to eight hours, as four hours is not sufficient time. Councillor Talley said that it is too late to change the ordinance at this time, but he will relay this recommendation when offering this change to the Metropolitan Development Commission.

President Borst asked if Councillor Talley will be presenting this ordinance to the Commission or if the Clerk sends a copy to them. Councillor Talley said that he has already sent one letter to them and will follow up with a letter and copy of the ordinance after it passes.

Councillor Smith moved, seconded by Councillor Talley, for adoption. Proposal No. 570, 2002 was adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gibson, Gray, Knox, Massie, McWhirter, Moriarty, Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford

0 NAYS:

2 ABSENT: Horseman, Langsford

Proposal No. 570, 2002 was retitled COUNCIL RESOLUTION NO. 88, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 88, 2002

A COUNCIL RESOLUTION requesting the Metropolitan Development Commission to consider certain amendments to permit an exemption for signage in any zoning district related to not-for-profit activities.

WHEREAS, many not-for-profit organizations hold special events for fund raising purposes and for carrying out their charitable work; and

WHEREAS, often signs and posters are used to make the public aware of such events; and

WHEREAS, current regulations do not adequately provide for such temporary signs and posters; now, therefore

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recommends to the Metropolitan Development Commission that Sec. 734-204 be amended so that an ILP shall not be required if the following provisions are met:

(z) Temporary signs for activities of not-for-profit entities such as, but not limited to churches, little league organizations, schools, etc., provided that each such sign advertises an event that is conducted in pursuit of its not-for-profit status, and does not exceed a size of thirty-six (36) x thirty-six (36) inches in size. Temporary signs allowed under this section include pennants and banners.

- (1) Temporary signs for such purposes must be erected or posted on the organization's property.
- (2) Temporary signs may not be posted for more than twenty-four (24) hours before the event, and must be removed no more than four (4) hours following the close of the event.
- (3) No organization may erect or post such signs in a public right-of-way.
- (4) No organization may post any such signs more than any four (4) times in any thirty (30) day period.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Langsford in memory of Boyce H. Sullivan; and
- (2) Councillors Short, Boyd, Borst, Langsford, Coughenour, Schneider, and Dowden in memory of Michael Page; and
- (3) Councillor Smith in memory of Bettie Shaffer; and
- (4) Councillor Knox in memory of William Lee Hood.

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Boyce H. Sullivan, Michael Page, Bettie Shaffer, and William Lee Hood. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:55 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 25th day of November, 2002.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.



President

ATTEST:



Clerk of the Council

(SEAL)

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, DECEMBER 16, 2002**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:09 p.m. on Monday, December 16, 2002, with President Borst presiding.

Councillor McWhirter led the opening prayer and invited all present to join her in the Pledge of Allegiance to the Flag.

ROLL CALL

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

28 PRESENT: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Frick, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford
1 ABSENT: Dowden

A quorum of twenty-eight members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Bradford introduced new Fraternal Order of Police (FOP) president Vince Huber. Mr. Huber thanked Councillor Bradford for the introduction and said that a rally was held this evening with over 500 people in attendance. The goal of the rally was to bring attention to the fact that police officers are at an impasse with the City administration regarding contract negotiations. Councillor Talley said that these remarks are out of order, as this is simply a time to introduce visitors. Councillor Bradford said that he thinks the newly elected president of the FOP should be allowed to speak to the Council and express his concerns. President Borst allowed for a final brief comment by Mr. Huber. Mr. Huber said that the police force is open to communicating further with the City and is willing to work out a contract, and they are here to serve the entire community.

Councillor McWhirter recognized Wayne Township Fire Chief Ron Evans and Deputy Chief Gene Conzen.

Councillor Smith asked if he could ask Mr. Huber a question. President Borst said that unless the question is with regards to Mr. Huber's new position, this would not be in order. Councillor Smith said that it is with regards to his position. Councillor Smith asked if the FOP is still at the table willing to negotiate. Mr. Huber said that they are definitely willing to continue discussions.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, December 16, 2002, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Philip C. Borst, D.V.M.
President, City-County Council

November 26, 2002

TO PRESIDENT BORST AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, November 29, 2002, a copy of a Notice of Public Hearing on Proposal Nos. 571, 573, 574, 576, and 577, 2002, said hearing to be held on Monday, December 16, 2002, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Suellen Hart
Clerk of the City-County Council

December 6, 2002

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Suellen Hart, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 136, 2002 - approves of temporary tax anticipation borrowing for the City of Indianapolis during the period from January 1, 2003, through December 31, 2003

FISCAL ORDINANCE NO. 137, 2002 - approves of temporary tax anticipation borrowing for Marion County, Indiana, during the period from January 1, 2003, through December 31, 2003

FISCAL ORDINANCE NO. 140, 2002 - approves an increase of \$40,560 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) to fund an additional appropriation for the Probation Department so they may expand their ability to assist in the process of screening and tracking Community Transition Program offenders, funded by a state grant (Department of Correction, Community Correction Grant Program)

December 16, 2002

FISCAL ORDINANCE NO. 141, 2002 - approves an appropriation of \$220,000 in the 2002 Budget of the Department of Public Works, (Transportation General Fund) to fund overtime hours used to clean up after the storms of September 20, 2002, financed by fund balances

FISCAL ORDINANCE NO. 142, 2002 - approves a transfer of \$175,000 in the 2002 Budget of the Department of Administration, Fleet Services Division (Consolidated County Fund) to cover costs for an upgrade of the Fleet Management System (M5) which will streamline workflow processes and improve responsiveness

FISCAL ORDINANCE NO. 143, 2002 - approves a transfer of \$400,000 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) to fund staffing for two year-round swimming pools (Forest Manor and Washington Middle Schools) unanticipated in the 2002 budget, as well as overtime needs for storm clean-up from September 20, 2002

FISCAL ORDINANCE NO. 145, 2002 - approves a transfer of \$102,024 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) to fund additional work release beds and day reporting slots, and rescinds Fiscal Ordinance No. 67, 2002, due to incorrect transfer of dollar amount

FISCAL ORDINANCE NO. 146, 2002 - approves a transfer of \$250,000 in the 2002 Budget of the Department of Public Works, Operation Division (Transportation General Fund) to pay for renovation to the silk screen room within the sign paint shop to improve ventilation and to construct a pole barn for equipment storage

GENERAL ORDINANCE NO. 110, 2002 - amends the Revised Code relating to the citizens police complaint board

GENERAL RESOLUTION NO. 13, 2002 - approves the issuance of TIF bonds to repay 2001 BAN for Fall Creek Place (Home Ownership Zone)

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of November 25, 2002. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 592, 2002. The proposal, sponsored by Councillors Massie, Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coughenour, Douglas, Frick, Gibson, Gray, Horseman, Knox, Langsford, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Soards, Talley, and Tilford, confers the distinction of President Emeritus on Beurt SerVaas. Councillor Massie read the proposal and presented Dr. SerVaas with a copy of the document and a Council pin. Dr. SerVaas thanked the Council for the honor, and said that as a former member of the Navy he misses the Council as a captain misses his ship. Councillor Gibson wished Dr. SerVaas well and said that the "captain" of the ship is greatly missed, as well. Councillor Massie moved, seconded by Councillor Gibson, for adoption. Proposal No. 592, 2002 was adopted by a unanimous voice vote.

Proposal No. 592, 2002 was retitled COUNCIL RESOLUTION NO. 89, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 89, 2002

A PROPOSAL FOR A COUNCIL RESOLUTION conferring the distinction of President Emeritus on Beurt SerVaas.

Whereas, in November 1962 Beurt SerVaas was first elected to the Marion County Council; and

Whereas, Dr. SerVaas served continuously on the Marion County Council and the City-County Council until his retirement in November 2002; and

Whereas, for twenty-seven years prior to his retirement he served as President of the City-County Council; and

Whereas, his leadership, intellectual curiosity and gentlemanly demeanor set the tone for Unigov and has guided the Council for over a quarter of a century; and

Whereas, the revitalization of the city during that period reflects the success of his style of courtesy, conciliation and fairness to supporters and opponents alike; and

Whereas the Council desires his continued counsel and support; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council of the City of Indianapolis and Marion County does hereby designate and bestow the title and status of President Emeritus on Dr. Beurt SerVaas with all the privileges pertaining to such distinction.

SECTION 2. The citizens and officers of this city are encouraged to heed, respect and seek his counsel as the city embarks upon a bold new century of civic progress.

SECTION 3. The President Emeritus is encouraged to share his vision and insights with the Council on a regular basis.

PROPOSAL NO. 614, 2002. The proposal, sponsored by Councillors Borst, Coughenour, and Boyd, recognizes the public service of Marion County Clerk Sarah M. Taylor. Councillor Coughenour read the proposal and presented Ms. Taylor with a copy of the document and a Council pin. Ms. Taylor thanked the Council and said that it would not have been possible to accomplish all she has accomplished without a very qualified and dedicated staff. President Borst said that Ms. Taylor has run the office exceptionally well, and she will be missed. Councillor Coughenour moved, seconded by Councillor Boyd, for adoption. Proposal No. 614, 2002 was adopted by a unanimous voice vote.

Proposal No. 614, 2002 was retitled SPECIAL RESOLUTION NO. 73, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 73, 2002

A SPECIAL RESOLUTION recognizing the public service of Marion County Clerk Sarah M. Taylor.

WHEREAS, Perry Township resident Sarah Taylor has served with distinction for two terms as Marion County Clerk; and

WHEREAS, she was first elected County Clerk in 1994, was reelected in 1998, and is now restricted by the State Constitution from a third term; and

WHEREAS, Sarah has focused her administration on technological innovation, election reform, spearheaded the effort for new voting machines for Marion County, and worked for services to families caught in the child support system; and

WHEREAS, during her eight years as Clerk she has earned a number of awards, including Clerk of the Year by her 91 County Clerk peers, she is a former President of the Indiana Clerk's Association, has

been on the Boards of the Indiana Association of Counties and the Indianapolis Bar Foundation, and this year was given the highest award of the Indiana Association of Counties for her dedicated service to her community and to county government; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes and thanks Sarah M. Taylor for her energy, long hours, and commitment to the work of the Clerk's Office while serving for eight years as the Marion County Clerk.

SECTION 2. Sarah can now pause for a moment to spend some more time with her growing family before launching into the next stage of her life.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 616, 2002. The proposal, sponsored by Councillors Borst, Coughenour, and Boyd, recognizes the public service of Marion County Prosecutor Scott C. Newman. Councillor Coughenour read the proposal and presented Mr. Newman with a copy of the document and a Council pin. Mr. Newman said that it has been a privilege to serve, and the citizens of this City are receiving good government management. He said that he has viewed the Council as his board of directors, giving him the tools, advice, and respect needed to perform his job. He thanked his very qualified staff and his family for all their support. Councillor Talley said that he hopes Mr. Newman will encourage his replacement to continue the street-level prosecution program that Mr. Newman began, which has been extremely beneficial to his district. Councillor Coughenour moved, seconded by Councillor Soards, for adoption. Proposal No. 616, 2002 was adopted by a unanimous voice vote.

Proposal No. 616, 2002 was retitled SPECIAL RESOLUTION NO. 75, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 75, 2002

A SPECIAL RESOLUTION recognizing the public service of Marion County Prosecutor Scott C. Newman.

WHEREAS, Scott Newman began serving as the Marion County Prosecutor in January, 1995, and immediately implemented as a cornerstone of his office a sharp reduction in plea-bargaining; and

WHEREAS, nearly 30 percent of all criminals serving Life Without Parole sentences in Indiana prisons were put there by Prosecutor Newman and his staff; and Scott personally prosecuted three murder cases with all three killers now residing on Indiana's Death Row; and

WHEREAS, during his two terms as Prosecutor Mr. Newman created programs for victims of crime, cooperated with the law enforcement officers, sent deadbeat dads to jail, and gained approval to consolidate the scattered offices of the Prosecutor's staff; and

WHEREAS, Scott is an honor graduate of Princeton and the University of Michigan Law School, and worked as a Deputy Prosecutor in the Marion County Prosecutor's Office before being elected Prosecutor; now, therefore

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes and thanks Scott C. Newman for his eight years of service as Prosecutor of Marion County, for his being tough on criminals, for his personal warm congeniality, and for being a role model for high caliber people willing to serve in public office.

SECTION 2. The Council wishes Scott well as he prepares to enter the private sector to practice law.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 619, 2002. The proposal, sponsored by Councillors Borst, Coughenour, and Boyd, recognizes the public service of Judge Z. Mae Jimison. Councillor Boyd read the proposal and presented Ms. Jimison with a copy of the document and a Council pin. Ms. Jimison thanked the Council for the recognition and said that she will continue to be involved in helping people who are addicted, as with every addict, there are 11 other people affected by the addiction and it costs more to keep them locked up than it would to treat them. Councillor Gibson said that he is proud of Ms. Jimison's efforts with addicted persons, and he is committed to helping promote treatment options, as well. Councillor Conley agreed and said that there are still so many ways Ms. Jimison can be involved in this community. Councillor Boyd moved, seconded by Councillor Conley, for adoption. Proposal No. 619, 2002 was adopted by a unanimous voice vote.

Proposal No. 619, 2002 was retitled SPECIAL RESOLUTION NO. 78, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 78, 2002

A SPECIAL RESOLUTION recognizing the dedicated public service of Judge Z. Mae Jimison.

WHEREAS, the pillar of a free nation rests upon the integrity of the judicial branch of government to maintain the judiciary as a fair, independent and equal branch of government; and

WHEREAS, patience, understanding, compassion, and adherence to the laws of the land must be a part of an able jurist; and

WHEREAS, Judge Z. Mae Jimison brought honor and dedication to the bench; and

WHEREAS, she is now leaving the bench after serving the citizens of Marion County well as a respected Judge; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council, in behalf of the citizens of Indianapolis and Marion County, extends its appreciation and gratitude to Judge Z. Mae Jimison and wishes her well in the future.

SECTION 2. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 617, 2002. The proposal, sponsored by Councillors Borst, Coughenour, and Boyd, recognizes the public service of Judge Richard Good. Councillor Coughenour read the proposal and presented Mr. Good with a copy of the document and a Council pin. Mr. Good thanked the Council for the recognition and said that there are many hard-working judges in this County and very qualified, yet understaffed, public defender and prosecutor offices. He said that he was glad to see the Council's support for addressing jail overcrowding during the recent budget discussions. Councillor Coughenour moved, seconded by Councillor Bainbridge, for adoption. Proposal No. 617, 2002 was adopted by a unanimous voice vote.

Proposal No. 617, 2002 was retitled SPECIAL RESOLUTION NO. 76, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 76, 2002

A SPECIAL RESOLUTION recognizing the dedicated public service of Judge Richard Good.

WHEREAS, the pillar of a free nation rests upon the integrity of the judicial branch of government to maintain the judiciary as a fair, independent and equal branch of government; and

WHEREAS, patience, understanding, compassion, and adherence to the laws of the land must be a part of an able jurist; and

WHEREAS, Judge Richard Good brought honor and dedication to the bench;

WHEREAS, he is now leaving the bench after serving the citizens of Marion County well as a respected Judge; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council, in behalf of the citizens of Indianapolis and Marion County, extends its appreciation and gratitude to Judge Richard Good and wishes him well in the future.

SECTION 2. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 3 This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 618, 2002. The proposal, sponsored by Councillors Borst, Coughenour, and Boyd, recognizes the public service of Judge William Lawrence. Councillor Coughenour read the proposal and moved, seconded by Councillor Talley, for its adoption. Proposal No. 618, 2002 was adopted by a unanimous voice vote.

Proposal No. 618, 2002 was retitled SPECIAL RESOLUTION NO. 77, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 77, 2002

A SPECIAL RESOLUTION recognizing the dedicated public service of Judge William Lawrence.

WHEREAS, the pillar of a free nation rests upon the integrity of the judicial branch of government to maintain the judiciary as a fair, independent and equal branch of government; and

WHEREAS, patience, understanding, compassion, and adherence to the laws of the land must be a part of an able jurist; and

WHEREAS, Judge William Lawrence brought honor and dedication to the bench; and

WHEREAS, he is now leaving the bench after serving the citizens of Marion County well as a respected Judge; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council, in behalf of the citizens of Indianapolis and Marion County, extends its appreciation and gratitude to Judge William Lawrence and wishes him well in the future as a federal magistrate judge.

SECTION 2. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 620, 2002. The proposal, sponsored by Councillor Bradford, recognizes the Bishop Chatard High School state football champions. Councillor Bradford moved, seconded by Councillor Bainbridge, to postpone Proposal No. 620, 2002 until January 13, 2003. Proposal No. 620, 2002 was postponed by a unanimous voice vote.

PROPOSAL NO. 621, 2002. The proposal, sponsored by Councillors Langsford and Tilford, recognizes outstanding community volunteer students of the Warren Township Renaissance School. Councillor Langsford read the proposal and presented representatives with copies of the document and Council pins. Student Lucinda Stiles thanked the Council for the recognition. Councillors Tilford and Talley thanked the students for all their community efforts and challenged others to volunteer, as well. Councillor Langsford moved, seconded by Councillor Tilford, for adoption. Proposal No. 621, 2002 was adopted by a unanimous voice vote.

Proposal No. 621, 2002 was retitled SPECIAL RESOLUTION NO. 80, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 80, 2002

A SPECIAL RESOLUTION recognizing outstanding community volunteer students of the Warren Township Renaissance School.

WHEREAS, the Renaissance School of the Metropolitan School District of Warren Township is an alternative school of 140 students in grades 6 to 12 who for a number of reasons function better in a smaller setting; and

WHEREAS, although they have had stumbling blocks along the way, with Renaissance's help and encouragement, and their own self-initiative, many of the students go far beyond what might be expected by young people in giving back with volunteer work to the community where they live; and

WHEREAS, some of the Renaissance School's recent volunteer projects have been working with the Warren Township Fire Department with picture and medical ID cards for the elderly, feeding the homeless at Lighthouse Mission, sponsoring a woman with seven kids for Christmas, and helping with the community-wide Warren Remembers 911 celebration that drew more people to the Warren Central football field than who attended the Governor's statewide ceremony downtown the same day; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes and applauds the following students of the Warren Township Renaissance School for their leadership, example-setting personal involvement, and living proof of "Warren Pride" in the East Side: Lucinda Stiles, Heather Raines, Tracey Herron, William Smith, Patrick Flynn, Shaquanna Shelton, Brittani Nevers, Toria Wells, Elijah Vandever, Geramy Ridley, Justin Ingram, Andrew Mills, Dawn Daniels, Tom Cox, Tosha Roberts, and Brooke Wills.

SECTION 2. The Council also recognizes Warren's Renaissance Service Learning Coordinator Beth Bryant and the school administration for helping make all of this happen.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 622, 2002. The proposal, sponsored by Councillors McWhirter, Conley, and Horseman, recognizes West Indy's 4th Annual Steak n Shake's Breakfast with Santa. Councillor McWhirter read the proposal and presented representatives with copies of the document and

Council pins. Marshall Lewis, founder and chair of the event, thanked the Council for the recognition, and introduced several sponsor representatives. They provided Council members with gifts, and fourth grader Brandyce Lewis read a poem to commemorate the event. Councillor Brents thanked Mr. Lewis for his efforts with this event. Councillor McWhirter moved, seconded by Councillor Conley, for adoption. Proposal No. 622, 2002 was adopted by a unanimous voice vote.

Proposal No. 622, 2002 was retitled SPECIAL RESOLUTION NO. 81, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 81, 2002

A SPECIAL RESOLUTION recognizing West Indy's 4th Annual Steak n Shake's Breakfast with Santa.

WHEREAS, for the past three years, Steak n Shake Restaurants of Central Indiana and local businesses and individuals have been host to what has now become an annual event known as "Breakfast with Santa"; and

WHEREAS, the event has grown to include over 350 children with big smiles on their faces, and Steak n Shake has provided breakfast at no cost to the families; and

WHEREAS, this year the organizers hope to reach 800 children at the Wayne Township Fire Department host site for "Breakfast with Santa" on Saturday, December 21st, at the Fire Department Training Conference Center on North High School Road; and

WHEREAS, "Breakfast with Santa" sponsors this year include: Steak n Shake, The Mom Project, Indianapolis PAL Club, Parker Machinery, Indianapolis Public Schools, Vincennes University, Toys for Tots, the Indianapolis 500, Burger King, Homeless Initiative Project, Wayne Township Schools, Wayne Township Trustee's Office, Wayne Township Fire Department, The Recovery Room, Long's Bakery, Indianapolis Police Department's Books & Badges Program, Indy Parks, The Murat Flying Fezzes, the Marion County Sheriff's Department, Sunset Bowl, Becky Schenk, Honda West, and Lynn and Rich Elson; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes all of those who make the Westside's Annual "Breakfast with Santa" event possible.

SECTION 2. Sometimes, a heartfelt ear-to-ear smile from a little child at Christmastime is all the reward that is needed for all of the time, trouble, and expense of planning and organizing this event.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 623, 2002. The proposal, sponsored by Councillors Langsford and Nytes, recognizes the public service of Marion County Children's Guardian Home Superintendent Paul B. Browne. Councillor Langsford read the proposal and presented Mr. Browne with a copy of the document and a Council pin. Mr. Browne thanked the Council for the recognition and introduced his wife and several staff members, as well as Kent Baker, president of the Guardian Home Foundation, who was the force behind generating so much money for the recent renovations. President Borst thanked Mr. Browne for all he has done for the community. Councillor Nytes said that Mr. Browne has provided a very important service to the community in a very quiet manner. Marty Womacks, County Auditor, said that she appreciates all of the contributions Mr. Browne has made to the Indianapolis and Irvington communities, and she wished him the best in the future. Councillor Langsford moved, seconded by Councillor Nytes, for adoption. Proposal No. 623, 2002 was adopted by a unanimous voice vote.

Proposal No. 623, 2002 was retitled SPECIAL RESOLUTION NO. 82, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 82, 2002

A SPECIAL RESOLUTION recognizing the public service of Marion County Children's Guardian Home Superintendent Paul B. Browne.

WHEREAS, Paul Browne has been Superintendent of the Marion County Children's Guardian Home since 1972; and

WHEREAS, a native of Louisville, Paul earned degrees at Bellarmine University and the University of Louisville, then spent his entire work life with children and young people in Head Start, Louisville Boys' Haven, and as a drug education coordinator with the Army Reserves at Ft. Benjamin Harrison; and

WHEREAS, settling in at the Guardian's Home in Irvington, he soon became active in the Sertoma Club of East Indianapolis which has worked with the kids at the Guardian's Home since the days when Eisenhower was President in the 1950's; and

WHEREAS, during his three decades at the helm of the Guardian's Home, Paul started the Guardian Home Foundation which successfully raised nine million dollars for an expansion and modernization project that is now fully paid for with no debt, provided an internship program for IU social work students, works with the Marion County Foster Grandparent program, and with other partnerships; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes and thanks Paul B. Browne for his 30 years of dedicated and professional work as Superintendent of the Marion County Children's Guardian Home in Irvington.

SECTION 2. The Council wishes Paul, his wife Andrea of Community Hospital, and their two children all the very best in the future, and hopes that Paul will continue to play an active role in the life of Indianapolis for many years to come.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 585, 2002. Councillor Bainbridge reported that the Public Works Committee heard Proposal No. 585, 2002 on December 12, 2002. The proposal, sponsored by Councillor Cockrum, appoints Thomas H. Taylor to the Marion County Storm Water Management Advisory Committee. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Bainbridge moved, seconded by Councillor Coughenour, for adoption. Proposal No. 585, 2002 was adopted by a unanimous voice vote.

Proposal No. 585, 2002 was retitled COUNCIL RESOLUTION NO. 90, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 90, 2002

A COUNCIL RESOLUTION appointing Thomas H. Taylor to the Marion County Storm Water Management Advisory Committee.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Marion County Storm Water Management Advisory Committee, the Council appoints:

Thomas H. Taylor

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2003. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 593, 2002. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Doris Anne Sadler to the Information Technology Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 594, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves certain public purpose grants totaling \$600,000 from the Drug Free Community Fund for 2003"; and the President referred it to the Public Safety and Criminal Justice Committee.

Councillor Coonrod moved, seconded by Councillor Moriarty Adams, to suspend the Rules to allow a vote on Proposal No. 594, 2002 this evening. The Rules were suspended by a unanimous voice vote.

PROPOSAL NO. 594, 2002. The proposal, sponsored by Councillor Dowden, approves certain public purpose grants totaling \$600,000 from the Drug Free Community Fund for 2003. Councillor Coonrod said that this is an uncontroversial proposal that does not appropriate any new funds, but simply allows grant programs to continue at the beginning of the year until the first Council meeting.

Councillor Horseman asked if these grants are from a specific fund. Melinda Haag, director of the Justice Agency, said that this fund was created by State statute and is a fund into which fines and fees of drug offenders are deposited. The actual appropriation was already approved during the budget process.

Councillor Coonrod moved, seconded by Councillor Schneider, for adoption. Proposal No. 594, 2002 was adopted on the following roll call vote; viz:

28 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Frick, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford
0 NAYS:
1 ABSENT: Dowden

Proposal No. 594, 2002 was retitled GENERAL RESOLUTION NO. 14, 2002, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 14, 2002

A GENERAL RESOLUTION approving certain public purpose grants totaling \$600,000 from the Drug Free Community Fund.

WHEREAS, the City-County Council appropriated the sum of Six-Hundred- Thousand Dollars (\$600,000) in Section 1(k) of City-County Fiscal Ordinance No. 101, 2002, Estimated Revenues and Tax

Levies for the Consolidated City of Indianapolis and for Marion County, Indiana, for funding grants to be made from the Drug Free Community Fund; and

WHEREAS, IC 5-2-11-5 requires that sums appropriated from the Drug Free Community Fund shall not be spent until the City-County Council of the City of Indianapolis and of Marion County, Indiana, approves the amount and identity of each grant recipient; now, therefore:

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. The following grants and administrative expenses totaling Six-Hundred-Thousand Dollars (\$600,000) from the Drug Free Community Fund are approved in the following amounts and projects for the following organizations:

DRUG FREE COMMUNITY FUND 2003 ANNUAL GRANT AWARDS		
ORGANIZATION	PROJECT	AMOUNT
I. PREVENTION/EDUCATION		
Ruth Lilly Health Education Center	Choose to Refuse	\$20,000
Boys and Girls Clubs	SMART Decisions	\$30,000
Pathway Family Center, Inc.	I've Been There	\$10,000
Family Service Ass'n	ATOD Workshops for Business	\$7,452
TCI, Inc.	Marion County Youth Congress	\$20,000
M.S.D. of Perry Twp.	Brightwood/Forest Manor Summer Day Camp	\$48,731
Area Youth Ministry	Young Champions	\$6,373
Dyslexia Institute of Indiana, Inc.	DII and Drug Free	\$13,627
CASI Community Addiction Services	HiFi	<u>\$20,484.50</u>
	Subtotal	\$176,667.50
II. TREATMENT		
Bethlehem House	Residential Recovery	\$8,000
The Julian Center	Drug Treatment Program	\$20,000
Superior Court, Juvenile Div.	Drug Treatment Court	\$36,320
Gallahue Mental Health Services	Assisted Living While in Treatment	\$44,942
Family Service Ass'n	Relapse Prevention	\$28,814
Marion County Public Defender	Sentencing Project	<u>\$20,484.50</u>
	Subtotal	\$158,560.50
III. CRIMINAL JUSTICE		
Superior Court	Drug Treatment Diversion	\$45,500
Marion County Prosecutor	Drug House Eviction/Nuisance Abatement Program	\$42,000
Probation-Adult Services	Probation Curfew Project	\$18,250
Superior Court, Adult Probation	Offender Drug Testing Confirmation Project	\$9,000
Marion County Justice Agency	Justice Center CJCCRP/WSCRCP	\$30,000
Superior Court	Community Court	<u>\$40,000</u>
	Subtotal	\$184,750
MISC./ADMINISTRATION		
Drug Free Marion County LCC	Administrative Expenses	\$80,022
	Subtotal	\$80,022
	TOTAL	\$600,000

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 595, 2002. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Koefoot

Drive and Thousand Oaks Lane (District 18)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 596, 2002. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Paddock Road and Ralston Road (District 19)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 597, 2002. Introduced by Councillor Short. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Iowa Street and Orleans Street (District 21)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 598, 2002. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Epler Avenue and Linwood Avenue (District 24)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 599, 2002. Introduced by Councillor Bainbridge. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Mac Arthur Lane and Suburban Drive (District 8)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 600, 2002. Introduced by Councillor Douglas. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in the intersection controls at 35th Street and Manor Court (District 10)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 601, 2002. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in the intersection controls at 19th Street and Bancroft Street (District 15)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 602, 2002. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls at 65th Street and Bettcher Avenue (District 9)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 603, 2002. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in parking restrictions on Vermont Street from West Street to Toledo Street (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 604, 2002. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes metered parking on Walnut Street between Delaware Street and Hudson Street (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 605, 2002. Introduced by Councillor Soards. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a reduction in the speed limit on Kissel Road from Lafayette Road to 96th Street (District 1)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 606, 2002. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Brenda L. Burke as the Director of the Department of Administration"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 607, 2002. Introduced by Councillors Boyd and Smith. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Maury Plambeck as the Director of the Department of Metropolitan Development"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 608, 2002. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Joseph L. B. Wynns as the Director of the Department of Parks and Recreation"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 609, 2002. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Robert B. Turner as the Director of the Department of Public Safety"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 610, 2002. Introduced by Councillors Boyd and Coughenour. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Barbara A. Lawrence as the Director of the Department of Public Works"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 611, 2002. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Michael B. O'Connor as the Chief Deputy Mayor"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 612, 2002. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Jane Henegar as the Deputy Mayor for Policy"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 613, 2002. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Carolyn M. Coleman as the Deputy Mayor for Neighborhoods"; and the President referred it to the Rules and Public Policy Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

Councillor Coonrod made the following motion:

Mr. President:

I move that Proposal No. 633, 2002 (Rezoning Case 2002-ZON-122/2002-DP-013) be scheduled for a hearing before this Council at its next regular meeting on January 13, 2003, at 7:00 p.m. and that the Clerk read the announcement of such hearing and enter same in the minutes of this meeting.

Councillor Horseman seconded the motion, and Proposal No. 633, 2002 was scheduled for a public hearing on January 13, 2003 by a unanimous voice vote and is identified as follows:

2002-ZON-122 (2002-DP-013)
10940 EAST 42ND STREET (approximate address), INDIANAPOLIS.
LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT #5
CROSSMAN COMMUNITIES PARTNERSHIP, by Stephen D. Mears, requests a rezoning of 77.1 acres, being in the D-P (FF) District, to the D-P (FF) classification to provide for 282 single-family dwellings, resulting in 3.66 units per acre.

General Counsel Robert Elrod read the following announcement:

Mr. President:

This Council will hold a public hearing on Rezoning Petition No. 2002-ZON-122 (2002-DP-013), Council Proposal No. 633, 2002, at its next regular meeting on January 13, 2003, such meeting to convene at 7:00 p.m. in these Council Chambers in the City-County Building in Indianapolis. This petition proposes to rezone 77.1 acres at 10940 East 42nd Street from D-P (FF) District to D-P (FF) classification to provide for a 282 single-family dwellings, resulting in 3.66 units per acre.

Written objections that are filed with the Clerk of the Council shall be heard at such time, or the hearing may be continued from time to time as found necessary by the Council.

PROPOSAL NOS. 624-630, 2002, PROPOSAL NO. 631, 2002, and PROPOSAL NO. 632, 2002. Introduced by Councillor Smith. Proposal Nos. 624-630, 2002, Proposal No. 631, 2002 and Proposal No. 632, 2002 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on December 5, 3, and 10, 2002, respectively. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 160-167, 2002, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 160, 2002.
2001-ZON-170
926 N. NEW JERSEY (Approximate Address), INDIANAPOLIS.
CENTER TOWNSHIP, COUNCILMANIC DISTRICT #22
NEIGHBORHOOD DOWNTOWN ZONING ASSISTANCE, INC., request a rezoning of .49 acre, being in the C-4 District, to the CBD-2.

REZONING ORDINANCE NO. 161, 2002.
2002-ZON-069
802-846 DR. MARTIN LUTHER KING JR. STREET (approximate addresses), INDIANAPOLIS.
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16.
DEPARTMENT OF METROPOLITAN DEVELOPMENT requests a rezoning of 1.19 acres, being in the I-3-U (RC) District, to the D-8 (RC) classification to provide for single-family development.

REZONING ORDINANCE NO. 162, 2002.
2002-ZON-142 (2002-DP-016)
2301 NORTH GERMAN CHURCH ROAD (approximate address), INDIANAPOLIS.
WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 12
DURA-BUILDERS, INC, by Philip A. Nicely, request a rezoning of 26.125 acres, being in the D-A District, to the D-P classification to provide for 93 single-family dwellings resulting in 3.55 units per acre.

REZONING ORDINANCE NO. 163, 2002.

2002-ZON-146

2008, 2010, 2012, 2014, 2016, 2024, 2028, 2030, 2044, 2046, 2050, and 2052 NORTH LUETT AVENUE (approximate addresses), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 16

UNIVEST INC. / HABITAT FOR HUMANITY OF GREATER INDIANAPOLIS., by David E. Kingen, request a rezoning of 1.45 acres, being in the I-2-U District, to the D-8 classification to provide for residential development.

REZONING ORDINANCE NO. 164, 2002.

2002-ZON-149

300, 400, 412, and 468 WEST FALL CREEK BOULEVARD, 427 WEST 23RD STREET, 2253, 2257, 2261, 2265, 2271, 2275, 2277, 2281, 2285, and 2289 INDIANAPOLIS AVENUE, and 2276, 2278, 2286, 2288, and 2292 PARIS AVENUE (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 9

CHRIST TEMPLE APOSTOLIC CHURCH, by David Kingen, requests a rezoning of 6.74 acres, being in the D-8 (W-1) and PK-1 (W-1) Districts, to the SU-1 (W-1) classification to provide for religious uses.

REZONING ORDINANCE NO. 165, 2002.

2002-ZON-841

27 and 35 EAST 39TH STREET (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 6

INNER DEVELOPMENT CORPORATION, by Kurt F. Pantzer, III, requests a rezoning of 0.419 acre, being in the D-5 District, to the D-8 classification to provide for multi-family residential development.

REZONING ORDINANCE NO. 166, 2002.

2002-ZON-133 (2002-DP-014)

7527 EAST STOP 11 ROAD (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23

JEFFREY A. and MADONNA E. KASTING request a rezoning of 10 acres, being in the D-A District to the D-P classification to provide for three single-family dwellings, or 0.3 units per acre.

REZONING ORDINANCE NO. 167, 2002.

2002-ZON-072

5665 EDEN VILLAGE DRIVE (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1

AHEPA NATIONAL HOUSING CORPORATION requests a rezoning of 3.40 acres, being in the C-S District, to the C-S classification to provide for a senior residential development.

PROPOSAL NO. 591, 2002. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 591, 2002 on December 9, 2002. The proposal, sponsored by Councillor Smith, is a final resolution for Canal Square Associates, L.P. in an amount not to exceed \$12,300,000 which consists of refinancing the acquisition, construction and equipping of an existing 275-unit multifamily residential facility located on approximately 3.1 acres of land located at 402 West New York Street (District 16). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Smith moved, seconded by Councillor Horseman, for adoption. Proposal No. 591, 2002 was adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Frick, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford

0 NAYS:

1 NOT VOTING: Boyd

1 ABSENT: Dowden

Proposal No. 591, 2002 was retitled SPECIAL ORDINANCE NO. 7, 2002, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 7, 2002

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue \$12,300,000 City of Indianapolis, City of Indianapolis, Indiana Variable Rate Demand Multifamily Housing Revenue Refunding Bonds, Series 2002 (Canal Square Apartments Project) (the "Bonds") and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code Title 36, Article 7, Chapters 11.9, and 12, et seq., as supplemented and amended and Indiana Code Title 5, Article 1, Chapter 5 et seq., as supplemented and amended (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, the Act permits an issuer to issue bonds and loan the proceeds thereof to qualified borrowers for the purpose of financing or refinancing the costs of the acquisition and rehabilitation of multifamily housing projects for persons and families of low income residing in the State of Indiana; and

WHEREAS, the Act provides that an issuer may, pursuant to the Act, issue revenue bonds and lend the proceeds thereof to a corporation, partnership, trust or individual for the purpose of financing costs of acquisition or construction of facilities, including real and personal property, for diversification of economic development and promotion of job opportunities in or near such issuer, and

WHEREAS, the Act provides that such bonds may be secured by a trust indenture between an issuer and a corporate trustee; and

WHEREAS, a Representative of the Borrower on behalf of Canal Square Associates, a Limited Partnership (the "Borrower") has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Borrower in order to enable the Borrower to finance or refinance certain capital assets, including, but not limited to, the refinancing the acquisition, construction and equipping of an existing 275-unit multifamily residential facility located on approximately 3.1 acres of land located at 402 West New York Street, Indianapolis, Indiana (the "Project"); and

WHEREAS, the Indianapolis Economic Development Commission has rendered a report concerning the proposed refinancing of economic development facilities for the Borrower and the report has been submitted to the Metropolitan Development Commission of Marion County for comment thereon; and

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to refinance the Project by issuing not to exceed \$12,300,000 City of Indianapolis, Indiana Variable Rate Demand Multifamily Housing Revenue Refunding Bonds, Series 2002 (Canal Square Apartments Project) (the "Bonds"); and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on December 4, 2002, pursuant to Indiana Code Title 36, Article 7, Chapter 12 et seq., as supplemented and amended and Indiana Code Title 5, Article 1, Chapter 5 et seq., as supplemented and amended (collectively, the "Act"), Section 24 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), found that the refinancing of the Project complies with the purposes and provisions of the Act and that such refinancing will be of benefit to the health and welfare of the Issuer and its citizens; and

WHEREAS, the refinancing will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating in the same market area or in or about Marion County, Indiana; and; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. It is hereby found that the financing and refinancing of the economic development facilities referred to in the Financing Documents consisting of the Project; the issuance and sale of the Bonds, the loan of the net proceeds thereof to the Borrower for the purposes of financing, refinancing or providing reimbursement for a portion of the cost of the Project, and the repayment of said loan by the Borrower will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The forms of the Financing documents presented herewith are hereby approved and all such documents shall be kept on file by the Clerk of the Council or City Controller. In compliance with

the Indiana Code Title 36, Article 1, Chapter 5, Section 4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Commission hereby recommends that the issuer issue its Series 2002 Bonds in the aggregate principal amount not to exceed \$12,300,000, for the purpose of procuring funds to loan to the Borrower in order to finance, refinance or provide reimbursement for a portion of the cost of the Project which Bonds will be payable as to principal and interest from the payments made by the Borrower pursuant to the Financing Agreement and as otherwise provided in the above-described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. Rule 15c2-12(b)(1) of the Securities Exchange Act of 1934, as amended (the "SEC Rule"), provides that, prior to the time a participating underwriter or placement agent bids for, purchases, offers or sells municipal securities, the participating underwriter or placement agent shall obtain and review an official statement that an issuer of such securities deems a "near final" official statement. The Commission recommends that: (i) the Issuer approve the use and distribution of an Official Statement, in substantially the form submitted to the Issuer, in connection with the issuance, sale and delivery of the Bonds, and that the Mayor of the Issuer sign the Official Statement if so requested by counsel to the Underwriter; (ii) the Issuer deem the Official Statement to be final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters; and (iii) the Mayor, the City Clerk or any other officer or the Issuer familiar with the matters with respect to the Issuer set forth in the Official Statement certify to the Underwriter that the information in the Official Statement with respect to the Issuer is deemed to be final within the meaning of the SEC Rule prior to the distribution of the Official Statement.

SECTION 5. The City Clerk and City Controller are authorized and directed to sell such Bonds to the purchasers thereof at a price not less than 97% of the aggregate principal amount thereof plus accrued interest, if any, and a rates of interest not to exceed 12% per annum. The Bonds will mature no later no later than 30 years from their date of issuance.

SECTION 6. The Commission further recommends that the Mayor and City Clerk be authorized and directed to execute those Financing Documents which require the signature of the Mayor and City Clerk and any other document which may be necessary or desirable to consummate the transaction. The signatures of the Mayor and the City Clerk on the Bonds may be facsimile signatures. The Commission further recommends that the City Clerk and the City Controller be authorized to arrange for the delivery of such Bonds to the purchaser, payment for which will be made in the manner set forth in the Financing Documents. The Commission further recommends that the Mayor and Clerk be authorized, without further legislative action, to execute such supplements to the Financing Agreement as may be necessary or appropriate to memorialize a remarketing of the Bonds on terms authorized or not inconsistent with the Financing Agreement. The Mayor and the City Clerk may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or the City Clerk without further approval of this City-County Council or the Commission if such changes do not affect terms set forth in Indiana Code Title 36, Article 7, Chapter 12, Section 27(a)(1) through (a)(10).

SECTION 7. The provisions of the special ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Bonds and after the issuance of said Bonds, the special ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 8. The Secretary of this Commission is directed to cause this resolution and two copies of the Financing Documents in their final forms to be transmitted to the office of the Clerk of the Council for presentation to the City-County Council with the recommendation that the City-County Council approve such documents in their final forms pursuant to the proposed form of Special Ordinance hereby recommended to the City-County Council.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 571, 2002. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 571, 2002 on December 3, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$25,000 in the 2002 Budget of the County Treasurer (Enhanced Access Fund) to reimburse member agencies for enhanced access expenses, financed

by fund balances. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Borst called for public testimony at 8:34 p.m. There being no one present to testify, Councillor McWhirter moved, seconded by Councillor Nytes, for adoption. Proposal No. 571, 2002 was adopted on the following roll call vote; viz:

26 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Frick, Gibson, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Tilford

0 NAYS:

2 NOT VOTING: Gray, Talley

1 ABSENT: Dowden

Proposal No. 571, 2002 was retitled FISCAL ORDINANCE NO. 147, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 147, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 96, 2001) appropriating an additional Twenty-five Thousand Dollars (\$25,000) in the Enhanced Access Fund for purposes of the County Treasurer and reducing the unappropriated and unencumbered balance in the Enhanced Access Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (e) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Treasurer to reimburse member agencies for enhanced access expenses.

SECTION 2. The sum of Twenty-five Thousand Dollars (\$25,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY TREASURER</u>	<u>ENHANCED ACCESS FUND</u>
3. Other Services & Charges	<u>25,000</u>
TOTAL INCREASE	25,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>ENHANCED ACCESS FUND</u>
Unappropriated and Unencumbered	
Enhanced Access Fund	<u>25,000</u>
TOTAL REDUCTION	25,000

SECTION 5. The projected December 31, 2002, fund balance for the Enhanced Access Fund is as follows:

Current cash balance (November 15, 2002)	275,022
Anticipated additional revenue through December 31, 2002	<u>7,000</u>
Projected funds available	282,022
Remaining appropriations and encumbrances	9,254
Proposed additional appropriation	<u>25,000</u>
Projected fund balance December 31, 2002	247,768

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

In Chairman Dowden's absence, Councillor Coonrod reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 574, 576, and 577, 2002 on December 4, 2002. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 574, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$19,844 in the 2002 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to fund the Protective Order Pro Bono Project, funded by a federal grant. PROPOSAL NO. 576, 2002. The proposal, sponsored by Councillor McWhirter, approves an increase of \$50,402 in the 2002 Budget of the Clerk of the Circuit Court (Clerk's Perpetuation Fund) to fund computer upgrades, financed by fund balances. PROPOSAL NO. 577, 2002. The proposal, sponsored by Councillors Dowden and Soards, approves an increase of \$15,000 in the 2002 Budgets of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to provide support for criminal history integration with statewide data, funded by a grant from the Indiana Criminal Justice Institute. By 8-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President Borst called for public testimony at 8:36 p.m. There being no one present to testify, Councillor Coonrod moved, seconded by Councillor Schneider, for adoption. Proposal Nos. 574, 576, and 577, 2002 were adopted on the following roll call vote; viz:

26 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Frick, Gibson, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Tilford
0 NAYS:
2 NOT VOTING: Gray, Talley
1 ABSENT: Dowden

Proposal No. 574, 2002 was retitled FISCAL ORDINANCE NO. 148, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 148, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Nineteen Thousand Eight Hundred Forty-four Dollars (\$19,844) in the State and Federal Grants Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (c) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney to fund the Protective Order Pro Bono Project. Funds will be used to defray the cost of a trained protective order clerk with a paralegal/college background to assist pro bono attorneys.

SECTION 2. The sum of Nineteen Thousand Eight Hundred Forty-four Dollars (\$19,844) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

COUNTY PROSECUTOR
3. Other Services and Charges
TOTAL INCREASE

STATE AND FEDERAL GRANTS FUND
19,844
19,844

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>19,844</u>
TOTAL REDUCTION	19,844

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 576, 2002 was retitled FISCAL ORDINANCE NO. 149, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 149, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Fifty Thousand Four Hundred Two Dollars (\$50,402) in the Clerk's Perpetuation Fund for purposes of the Clerk of the Circuit Court and reducing the unappropriated and unencumbered balance in the Clerk's Perpetuation Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(h) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Clerk of the Circuit Court to fund computer equipment upgrades.

SECTION 2. The sum of Fifty Thousand Four Hundred Two Dollars (\$50,402) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>CLERK OF THE CIRCUIT COURT</u>	<u>CLERK'S PERPETUATION FUND</u>
4. Capital Outlay	<u>50,402</u>
TOTAL INCREASE	50,402

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>CLERK'S PERPETUATION FUND</u>
Unappropriated and Unencumbered	
Clerk's Perpetuation Fund	<u>50,402</u>
TOTAL REDUCTION	50,402

SECTION 5. The projected December 31, 2002, fund balance for the Clerk's Perpetuation Fund is as follows:

Current cash balance (November 15, 2002)	235,321
Anticipated additional revenue through December 31, 2002	<u>25,050</u>
Projected funds available	260,371
Remaining appropriations and encumbrances	12,069
Proposed additional appropriation	<u>50,402</u>
Projected fund balance December 31, 2002	197,900

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 577, 2002 was retitled FISCAL ORDINANCE NO. 150, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 150, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Fifteen Thousand Dollars (\$15,000) in the State and Federal Grants Fund for purposes of the County Auditor and the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (i) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and the Marion County Justice Agency to provide support for criminal history integration with statewide data

SECTION 2. The sum of Fifteen Thousand Dollars (\$15,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - fringes	506
 <u>MARION COUNTY JUSTICE AGENCY</u>	
1. Personal Services	3,709
3. Other Services and Charges	<u>10,785</u>
TOTAL INCREASE	15,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>15,000</u>
TOTAL REDUCTION	15,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 459, 2001. Councillor Massie reported that the Rules and Public Policy Committee heard Proposal No. 459, 2001 on November 13, 2001, January 15, February 12, April 9, June 4, August 6, September 17, and November 25, 2002. The proposal, sponsored by Councillors Cockrum, Massie, Talley, Moriarty Adams, and Soards, approves a financing plan for acquisition of new voting system for Marion County. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Cockrum explained the process that led to the recommendation of new voting equipment and Councillor Massie explained the funding, as noted in the proposal and Committee hearings.

Councillor Boyd asked how soon this new equipment can be in place, and when is the first election in which it can be used. Councillor Massie said that if the proposal passes this evening, the new software will be in place for the May 2003 election.

Councillor Sanders asked where the source of the bridge financing will come from. Bob Swhier, attorney consulting on this issue, said that the financing will come from the Indianapolis Municipal Public Improvement Bond Bank. Councillor Sanders asked if the City would be liable for repayment to the Bond Bank if the federal funding does not materialize. Mr. Swhier said that this is correct. Councillor Sanders asked in light of using non-election year funds to repay the bonds if the federal funding is not available, if additional interest will be added to the total bond issuance. Mr. Swhier said that this is correct. Councillor Sanders asked if the City is then responsible for paying that back. Mr. Swhier said that it is actually the County that is liable.

Councillor Sanders asked if training will be provided for voters. Sarah Taylor, County Clerk, said that marketing and education is a part of the total package and they hope to roll out the new equipment using public relations avenues such as mass mailings, cable station promotionals, announcements on movie theater screens, mall advertising, and neighborhood meetings. She said that there is a very strong marketing and educational tool included. Councillor Sanders said that she would strongly encourage this part of the package.

Councillor Gibson said that while he agrees the current machines are outdated, he still has questions about the vendor and funding. He asked if there will be lobbying with the Legislature to make sure this funding materializes. Ms. Taylor said that the City definitely qualifies for this funding and she has personally lobbied for those dollars and the Office of the County Clerk will continue to do so. Councillor Gibson asked if a copy of the ordinance, when passed, can be sent to the State. Ms. Taylor said that one definitely will. Councillor Gibson asked if the optical scan technology chosen is really the best avenue. He said that North Carolina has had some problems with these types of machines and he has heard other states have experienced difficulties as well. Ms. Taylor said that she is convinced this is the best possible technology at this time. She said that the optical scan machines were chosen because they are easy for voters and poll workers, and they are perfect for re-count purposes. She said that optical scanning is the most widely used and most often purchased system in the United States. She believes it is absolutely the right decision with regards to technology. She added that all American Disabilities Act (ADA) requirements will be met in Phase II of the roll-out. She said that touch-screen devices do not have the same security as optical scanning and do not provide a paper record for re-count purposes. Councillor Gibson asked if the delay in the ADA roll-out will jeopardize federal funding. Ms. Taylor said that it will not, because Phase II complies with all federal requirement timelines. Councillor Gibson said that the estimate for a re-count is 40 cents per ballot. He asked if the Clerk's Office can absorb that type of a cost. Ms. Taylor said that there is already money in the budget for re-counts and ballots that should cover such a situation. Councillor Gibson asked what the current cost per ballot is. Ms. Taylor said it is approximately 17 cents per ballot, but there is a sufficient operational budget included.

Councillor Nytes said that she participated a little in the study committee and appreciates all the work they did. However, she is still nervous about the "if" factor built into the financing aspect. She asked if there is any assurance the State will truly fund this transition. Councillor Massie said that there is no assurance, but if the full \$800,000 from the State is awarded, it will reimburse more than 100% of the total cost, which does not even include the federal funding. He said that if these funds do not materialize, the Clerk's Office has an alternative option to use non-election-year funds. He said that James Steele, Council Financial Consultant, has also indicated there might be other sources for funds. Although it seems unlikely these federal and State funds will

not be available, it is a possibility. Councillor Nytes said that according to the handout regarding worst and best-case scenarios, the worst-case scenario would include an additional \$2.5 million in interest costs and extend the loan until 2014. Councillor Massie said that this is true, but the current machines must be replaced due to federal requirements, and if the City does not move now, they will not qualify for these funding sources. Councillor Nytes said that this new system is computer-based, and therefore she has reservations that it may become out-of-date technology before it is even paid off if payments are extended to 2014. President Borst said that the County is lucky the clerk foresaw the future federal requirements would change and began this process early.

Councillor Schneider said that he will reluctantly support the proposal, but wants to go on record as saying he is not pleased that the local vendor was not chosen. He said that the City should support local businesses as often as possible.

Councillor Gibson asked why the local company was not chosen. Ms. Taylor said that it was a fair bid process, and by using a local vendor, parts of the transition would have had to be provided by other vendors. The committee felt that using one vendor for the entire process was the best solution. She invited Councillors to visit the Clerk's Office and view both systems first-hand.

Councillor Horseman asked with technology moving as fast as it is, how long can this new system stay in place. Ms. Taylor said that this is a long-range solution, and although it may not be the very latest technology, it is tried and true. The federal government is mandating new requirements, and no other design studied proved to be more durable or long-range.

Councillor Massie added that this is the best possible situation at this time, and even though the funding may not come through, he believes it will. He added, however, that it will not hurt to look at replacement funds. He added that the package has an extensive training and public relations component.

Councillor Massie moved, seconded by Councillor Cockrum, for adoption. Proposal No. 459, 2001 was adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Frick, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty, Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford
1 NAY: Bradford
1 ABSENT: Dowden

Councillor Bradford asked for consent to explain his vote. Consent was given. He said that with the amendments made to the proposal and added requirements, he believes the project should have been re-bid, and therefore, he voted in opposition because it was not.

Proposal No. 459, 2001 was retitled SPECIAL RESOLUTION NO. 74, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 74, 2002

A PROPOSAL FOR A SPECIAL RESOLUTION approving a financing plan for acquisition of a new voting system for Marion County.

Whereas, the Marion County Election Board is in the process of acquiring a new voting system for Marion County to replace the mechanical voting machines; and

Whereas, the balances in the Marion County General Fund for such expenditure are unavailable because of other expenses; Now, Therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Council pledges to allocate and appropriate up to Four Hundred Seventy-Five Thousand Dollars (\$475,000) annually in the years 2003 through and including 2013 as necessary to pay debt service on or to secure any obligations or any lease rental or contractual payments on the new voting system.

SECTION 2. The Council pledges to appropriate from the County General Fund the additional sums of up to One Million Five Hundred Thousand Dollars (\$1,500,000) in each of the calendar years 2005, 2009 and 2013 to pay debt service on or to secure any obligations or any lease rental or contractual payments on the new voting system.

SECTION 3. This resolution is adopted to encourage the Marion County Election Board to acquire a new voting system and assure the Board that the Council will provide financing for such acquisition within the amounts authorized by this resolution.

SECTION 4. The Marion County Election Board and the Clerk of the Marion Circuit Court are requested to pursue the receipt of one or more federal, state or other grants for the benefit of the County, which funds shall be used either to reduce the amount of the obligations incurred to finance the purchase of the new voting system or immediately to redeem, retire or reduce such obligations.

PROPOSAL NO. 572, 2002. Councillor Cockrum reported that the Parks and Recreation Committee heard Proposal No. 572, 2002 on December 12, 2002. The proposal, sponsored by Councillors Cockrum and Douglas, approves a transfer of \$30,000 in the 2002 Budget of the Department of Parks and Recreation (Federal Non-lapsing Grants Fund) to continue the after-school programs at Forest Manor School and School 108 for the 2002-2003 school year. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Cockrum moved, seconded by Councillor Douglas, for adoption. Proposal No. 572, 2002 was adopted on the following roll call vote; viz:

26 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Frick, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Tilford

0 NAYS:

2 NOT VOTING: Gibson, Talley

1 ABSENT: Dowden

Proposal No. 572, 2002 was retitled FISCAL ORDINANCE NO. 151, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 151, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) transferring and appropriating Thirty Thousand Dollars (\$30,000) in the Federal Non-lapsing Grants Fund for purposes of the Department of Parks and Recreation and reducing certain other appropriations for that department.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (l) of the City-County Annual Budget for 2001 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to

continue the after-school programs at Forest Manor School and School 108 for the 2002-2003 school year.

SECTION 2. The sum of Thirty Thousand Dollars (\$30,000) in the Federal Non-lapsing Grants Fund be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>FEDERAL NON-LAPSING GRANTS FUND</u>
1. Personal Services	30,000
TOTAL INCREASE	30,000

SECTION 4. The said additional appropriation is funded by the following reductions:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>FEDERAL NON-LAPSING GRANTS FUND</u>
3. Other Services and Charges	30,000
TOTAL DECREASE	30,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

In Chairman Dowden's absence, Councillor Coonrod reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 575 and 578, 2002 on December 4, 2002. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 575, 2002. The proposal, sponsored by Councillor Dowden, approves a transfer of \$44,656 in the 2002 Budget of the Clerk of the Circuit Court (County General Fund) to fund increased postal expenses and the completion of bank reconciliations by an accounting firm. PROPOSAL NO. 578, 2002. The proposal, sponsored by Councillor Dowden, approves a transfer of \$59,715 in the 2002 Budgets of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to support the continuation of the Arrestee Drug Abuse Monitoring Program (ADAM) from October 1, 2002, to September 30, 2003. By 8-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Coonrod moved, seconded by Councillor Soards, for adoption. Proposal Nos. 575 and 578, 2002 were adopted on the following roll call vote; viz:

26 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Frick, Gibson, Gray, Horseman, Knox, Langsford, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Tilford

0 NAYS:

2 NOT VOTING: Massie, Talley

1 ABSENT: Dowden

Proposal No. 575, 2002 was retitled FISCAL ORDINANCE NO. 152, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 152, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) transferring and appropriating an additional Forty-four Thousand Six Hundred Fifty-six Dollars (\$44,656) in the County General Fund for purposes of the Clerk of the Circuit Court and reducing certain other appropriations for that office.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(a) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Clerk of the Circuit Court to fund increased postal expenses and the completion of bank reconciliations by an accounting firm.

SECTION 2. The sum of Forty-four Thousand Six Hundred Fifty-six Dollars (\$44,656) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>CLERK OF THE CIRCUIT COURT</u>	<u>COUNTY GENERAL FUND</u>
3 Other Services and Charges	44,656
TOTAL INCREASE	44,656

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>CLERK OF THE CIRCUIT COURT</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	8,000
4. Capital Outlay	36,656
TOTAL DECREASE	44,656

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 578, 2002 was retitled FISCAL ORDINANCE NO. 153, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 153, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) transferring and appropriating an additional Fifty-nine Thousand Seven Hundred Fifteen Dollars (\$59,715) in the State and Federal Grants Fund for purposes of the County Auditor and the Marion County Justice Agency and reducing certain other appropriations for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(g) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and the Marion County Justice Agency to support the continuation of the Arrestee Drug Abuse Monitoring Program (ADAM) from October 1, 2002, to September 30, 2003.

SECTION 2. The sum of Fifty-nine Thousand Seven Hundred Fifteen Dollars (\$59,715) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	59,715
TOTAL INCREASE	59,715

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services-fringes	13,849
<u>MARION COUNTY JUSTICE AGENCY</u>	
1. Personal Services	45,866
TOTAL DECREASE	59,715

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 579, 2002. Councillor Bainbridge reported that the Public Works Committee heard Proposal No. 579, 2002 on December 12, 2002. The proposal, sponsored by Councillors Bainbridge and Moriarty Adams, supports the development and participation in an eight-hour ozone Early Action Compact for central Indiana to help reduce ozone and to improve the air quality for central Indiana. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Frick said that he opposes the proposal because the program suggests voluntary methods that will prove to be destructive to small businesses and enterprise development.

Councillor Coughenour said that this ordinance simply allows the City to enter into a study with surrounding areas. She says this study will give the City time before having to meet rigid standards and measures. She said that when choosing a city for location, most businesses do not look at areas that are not in compliance with environmental standards, and therefore this proposal will actually benefit enterprise development.

Councillor Schneider said that he opposes the proposal because it is a federal issue and is simply another in a long line of unfunded mandates. He said that he believes it steps on the liberties of small businesses and entrepreneurs.

Councillor Nytes said that this proposal will help with very progressive transportation policies and these solutions need to be considered with or without a mandate.

Councillor Bainbridge moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 579, 2002 was adopted on the following roll call vote; viz:

21 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Short, Tilford
5 NAYS: Bradford, Frick, Schneider, Smith, Soards
2 NOT VOTING: Gibson, Talley
1 ABSENT: Dowden

Proposal No. 579, 2002 was retitled SPECIAL RESOLUTION NO. 79, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 79, 2002

A SPECIAL RESOLUTION concerning participation in an Early Action Compact to improve air quality for the citizens of Indianapolis and central Indiana.

WHEREAS, Indianapolis and central Indiana residents expect good air quality for our communities and our children now and for future generations; and

WHEREAS, the United States Environmental Protection Agency has set National Ambient Air Quality Standards to protect the public health and well-being of citizens in the United States; and

WHEREAS, central Indiana experienced twenty-six days in the summer of 2002 where the Air Quality Index indicated that the air quality in central Indiana was unhealthy for the pollutant ozone; and

WHEREAS, measured air quality readings in Boone, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Morgan, and Shelby counties exceed the eight-hour National Ambient Air Quality Standard for ozone for the three-year period of 2000, 2001, and 2002; and

WHEREAS, it is in the best interests of the residents, businesses and visitors to central Indiana to breathe clean air and continue with economic growth and development to improve our community and neighborhoods; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council supports the development and participation in an eight-hour ozone Early Action Compact for central Indiana to help to reduce ozone and improve the air quality for central Indiana.

SECTION 2. The Council encourages other central Indiana counties and communities to join in this effort to provide improved air quality and continued economic development opportunities in central Indiana.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 580, 2002. Councillor Bainbridge reported that the Public Works Committee heard Proposal No. 580, 2002 on December 12, 2002. The proposal, sponsored by Councillors Brents and Horseman, authorizes a change in parking restrictions on Louisiana Street between McCrea Street and Meridian Street (District 16). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Bainbridge moved, seconded by Councillor Brents, for adoption. Proposal No. 580, 2002 was adopted on the following roll call vote; viz:

26 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Frick, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Tilford

0 NAYS:

2 NOT VOTING: Gibson, Talley

1 ABSENT: Dowden

Proposal No. 580, 2002 was retitled GENERAL ORDINANCE NO. 111, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 111, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-120, Special parking privileges for certain persons or vehicles in certain locations.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-120, Special parking privileges for certain persons or vehicles in certain locations, be and the same is hereby amended by the addition of the following, to wit:

(a) Notwithstanding any prohibitions or restrictions elsewhere in this chapter upon parking or temporary stops applicable to the general public, the following persons or vehicles are hereby granted the special parking privileges set out in this section, at and within the locations designated:

- (3) Any official vehicle of the United States Government, so marked or identified, and no others, may park at any time in the following locations:

*Louisiana Street, on the north side, from a point 63 feet west of Meridian Street,
to a point 29 feet west of Meridian Street*

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

**POLICE SPECIAL SERVICE DISTRICT
SPECIAL ORDERS - PUBLIC HEARING**

President Borst convened the Police Special Service District Council.

PROPOSAL NO. 573, 2002. In Chairman Dowden's absence, Councillor Coonrod reported that the Public Safety and Criminal Justice Committee heard Proposal No. 573, 2002 on December 4, 2002. The proposal, sponsored by Councillors Dowden, Moriarty Adams, and Talley, approves an appropriation of \$300,000 in the 2002 Budget of the Department of Public Safety, Police Division (Police General Fund) to pay increased costs of health insurance benefits for active and retired sworn officers and civilian employees, financed by fund balances. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Borst called for public testimony at 9:28 p.m. There being no one present to testify, Councillor Coonrod moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 573, 2002 was adopted on the following roll call vote; viz:

25 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Frick, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Soards, Tilford

0 NAYS:

3 NOT VOTING: Gibson, Smith, Talley

1 ABSENT: Dowden

Proposal No. 573, 2002 was retitled POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 5, 2002, and reads as follows:

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 5, 2002

A FISCAL ORDINANCE amending the Police Special Service District Budget for 2002 (City-County Police Special Service District Ordinance No. 3, 2001) appropriating Three Hundred Thousand Dollars (\$300,000) in the Police General Fund for purposes of the Department of Public Safety, Police Division, and reducing the unappropriated and unencumbered balance in the Police General Fund.

**BE IT ORDAINED BY THE POLICE SPECIAL SERVICE DISTRICT COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 of the Police Special Service District Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division to pay for health insurance benefits for active and retired sworn officers and civilian employees.

SECTION 2. The sum of Three Hundred Thousand Dollars (\$300,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

**DEPARTMENT OF PUBLIC SAFETY
POLICE DIVISION**

1. Personal Services
TOTAL INCREASE

POLICE GENERAL FUND

300,000
300,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>POLICE GENERAL FUND</u>
Unappropriated and Unencumbered	
Police General Fund	<u>300,000</u>
TOTAL REDUCTION	300,000

SECTION 5. The projected December 31, 2002, fund balance for the Police General Fund is as follows:

Current cash balance – June 30, 2002	17,509,494
Anticipated additional revenue through December 31, 2002	<u>41,017,587</u>
Projected funds available	58,527,081
Remaining appropriations and encumbrances	45,836,571
Proposed additional appropriation	<u>300,000</u>
Projected fund balance December 31, 2002	12,390,510

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

President Borst reconvened the City County Council.

NEW BUSINESS

Councillor Short thanked all of the City and County employees on behalf of the citizens of Indianapolis for another year of service.

President Borst wished everyone a Merry Christmas and a Happy New Year and encouraged them to reflect on the true reason for the season and the greatest birthday ever known.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Frick in memory of Marie Rich; and
- (2) Councillors McWhirter and Bainbridge in memory of Esther Mann; and
- (3) Councillors Nytes and Moriarty Adams in memory of Frank Shea; and
- (4) Councillor Soards in memory of Gordon Bossung; and
- (5) Councillor Knox in memory of James Harvey Bonta; and
- (6) Councillors Langsford and Sanders in memory of James H. Hermsdorfer; and
- (7) Councillor Sanders in memory of C. Michael Pitts; and
- (8) Councillor Massie in memory of Freda Sperry Thompson; and
- (9) Councillors Short and Black in memory of Herman Johnson; and
- (10) Councillors Dowden and Coonrod in memory of Fred Madorin; and
- (11) Councillor Moriarty Adams in memory of Tom Reese; and
- (12) Councillor Horseman in memory of Tillie Phillips.

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Marie Rich, Esther Mann, Frank Shea, Gordon Bossung, James Harvey Bonta, James H. Hermsdorfer, C. Michael Pitts, Freda Sperry Thompson, Herman Johnson, Fred Madorin, Tom Reese, and Tillie Phillips. He

respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:30 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 16th day of December, 2002.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

Philip C. Bobb DM

President

ATTEST:

Suellen Hart

Clerk of the Council

(SEAL)

2002 Proposal Index

1 SPONSORED BY: Councillor Boyd

DIGEST: approves the Mayor's appointment of Brenda L. Burke as the Director of the Department of Administration

REFERRED TO: Administration and Finance Committee

COUNCIL RESOLUTION 37

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 398

ADOPTED: 02/11/2002

2 SPONSORED BY: Councillor Dowden

DIGEST: determines the need to lease office space at 3500 Lafayette Road for the Westside Community Office of the Marion Superior Court, Probation Department, Adult Services Division

REFERRED TO: Administration and Finance Committee

SPECIAL RESOLUTION 11

APPROVED BY MAYOR: 02/13/2002

JOURNAL PAGE: 411

ADOPTED: 02/11/2002

3 SPONSORED BY: Councillor Boyd

DIGEST: approves the Mayor's appointment of Joseph L. B. Wynns as the Director of the Department of Parks and Recreation

REFERRED TO: Parks and Recreation Committee

COUNCIL RESOLUTION 24

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 26

ADOPTED: 01/28/2002

4 SPONSORED BY: Councillors Boyd, Talley

DIGEST: approves the Mayor's appointment of Robert B. Turner as the Director of the Department of Public Safety

REFERRED TO: Public Safety and Criminal Justice Committee

COUNCIL RESOLUTION 25

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 26

ADOPTED: 01/28/2002

5 SPONSORED BY: Councillors Dowden, Moriarty Adams

DIGEST: approves an appropriation of \$2,849,006 in the 2002 Budget of the Department of Public Safety, Police Division (Police General Fund) to restore budget cuts made by the State Board of Tax Commissioners because the budget passed by City-County Council in September 2001 exceeded the amount advertised by the City, financed by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

P.S.S.D.F.O. 1

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 387

ADOPTED: 01/28/2002

6 SPONSORED BY: Councillors Dowden, Moriarty Adams

DIGEST: approves an appropriation of \$2,366,905 in the 2002 Budget of the Department of Public Safety, Fire Division (Fire General Fund) to restore budget cuts made by the State Board of Tax Commissioners because the budget passed by City-County Council in September 2001 exceeded the amount advertised by the City, financed by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

F.S.S.D.F.O. 1

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 388

ADOPTED: 01/28/2002

7 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$19,716 in the 2002 Budget of the County Sheriff (State and Federal Grants Fund) for the reimbursement of two officers' overtime assigned to the FBI Task Force Program, funded by a FBI Task Force Grant

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 1

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 39

ADOPTED: 01/28/2002

2002 Proposal Index

8 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$9,461 in the 2002 Budget of the County Sheriff (State and Federal Grants Fund) for a one-time reimbursement for one officer's salary assigned to the Drug Enforcement Administration, funded by a grant from the Department of Justice, Drug Enforcement Administration

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 2

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 39

ADOPTED: 01/28/2002

9 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$23,715 in the 2002 Budget of the Marion County Justice Agency (State and Federal Grants Fund) for the development of the Indianapolis Violence Reduction Partnership Crime Database Web Application, funded by a grant from the Indiana Criminal Justice Institute (Local match of \$7,950 is funded by existing appropriations in the Marion County Justice Agency budget.)

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 3

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 40

ADOPTED: 01/28/2002

10 SPONSORED BY: Councillor Dowden

DIGEST: approves a transfer of \$135,280 in the 2002 Budgets of the County Auditor and the Marion County Justice Agency (Drug Free Community Fund) to appropriate salaries per grant awards for Marion County Superior Court, County Prosecutor, and Marion County Justice Agency

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 7

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 376

ADOPTED: 01/28/2002

11 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$505,506 in the 2002 Budgets of the County Auditor and Community Corrections (Home Detention Fund) to appropriate the second half of fiscal year 2001-2002 Home Detention Fund to fund personnel, home detention equipment, and office supplies

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 4

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 41

ADOPTED: 01/28/2002

12 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$45,000 in the 2002 Budgets of the County Auditor and Marion County Superior Court (State and Federal Grants Fund) to hire a Family Court Coordinator (Family Court Pilot Project), funded by a state grant

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 6

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 43

ADOPTED: 01/28/2002

13 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$15,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to appropriate an Indiana Supreme Court grant for the Family Group Conferencing Program

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 5

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 42

ADOPTED: 01/28/2002

2002 Proposal Index

14 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$2,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to appropriate an AWI (Automated Wagering International) grant to purchase supplies for children's programs

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 9

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 404

ADOPTED: 02/11/2002

15 SPONSORED BY: Councillor Boyd

DIGEST: approves the Mayor's appointment of Michael B. O'Connor as the Chief Deputy Mayor

REFERRED TO: Rules and Public Policy Committee

COUNCIL RESOLUTION 26

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 26

ADOPTED: 01/28/2002

16 SPONSORED BY: Councillor Boyd

DIGEST: approves the Mayor's appointment of Jane Henegar as the Deputy Mayor for Policy

REFERRED TO: Rules and Public Policy Committee

COUNCIL RESOLUTION 27

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 27

ADOPTED: 01/28/2002

17 SPONSORED BY: Councillor Boyd

DIGEST: approves the Mayor's appointment of Carolyn M. Coleman as the Deputy Mayor for Neighborhoods

REFERRED TO: Rules and Public Policy Committee

COUNCIL RESOLUTION 28

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 27

ADOPTED: 01/28/2002

18 SPONSORED BY: Councillor Boyd

DIGEST: approves the Mayor's appointment of Barbara A. Lawrence as the Director of the Department of Public Works

REFERRED TO: Public Works Committee

COUNCIL RESOLUTION 29

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 28

ADOPTED: 01/28/2002

19 SPONSORED BY: Councillors Black, Nytes

DIGEST: authorizes a multi-way stop at 42nd Street and Park Avenue (Districts 6, 22)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 7

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 381

ADOPTED: 01/28/2002

20 SPONSORED BY: Councillor Moriarty Adams

DIGEST: authorizes a multi-way stop at 9th Street and Denny Street (District 15)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 8

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 381

ADOPTED: 01/28/2002

21 SPONSORED BY: Councillor Knox

DIGEST: authorizes a multi-way stop at 12th Street and Livingston Avenue (District 17)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 9

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 382

ADOPTED: 01/28/2002

2002 Proposal Index

22 SPONSORED BY: Councillor Soards

DIGEST: authorizes a multi-way stop at 88th Street and Cooper Road (District 1)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 10

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 382

ADOPTED: 01/28/2002

23 SPONSORED BY: Councillor Massie

DIGEST: authorizes a multi-way stop at Brunswick Avenue and Laurel Street (District 20)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 11

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 383

ADOPTED: 01/28/2002

24 SPONSORED BY: Councillor Dowden

DIGEST: authorizes intersection controls at Ravine Road and White Oak Court (District 4)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 12

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 383

ADOPTED: 01/28/2002

25 SPONSORED BY: Councillor Brents

DIGEST: authorizes a multi-way stop at Sheffield Avenue and St. Clair Street (District 16)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 13

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 384

ADOPTED: 01/28/2002

26 SPONSORED BY: Councillor Brents

DIGEST: authorizes a multi-way stop at 20th Street and Medford Avenue (District 16)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 14

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 384

ADOPTED: 01/28/2002

27 SPONSORED BY: Councillor Brents

DIGEST: authorizes parking restrictions on the south side of New York Street from Pierson Street to Meridian Street (District 16)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 15

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 385

ADOPTED: 01/28/2002

28 SPONSORED BY: Councillor Nytes

DIGEST: authorizes parking restrictions on the south side of 25th Street between Dr. A. J. Brown Avenue and Sheldon Street (District 22)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 16

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 385

ADOPTED: 01/28/2002

29 SPONSORED BY: Councillor Borst

DIGEST: authorizes parking restrictions on the east side of Talbott Street between Terrace Avenue and Orange Street (District 25)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 17

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 386

ADOPTED: 01/28/2002

2002 Proposal Index

30 SPONSORED BY: Councillor Soards

DIGEST: authorizes parking restrictions on Georgetown Road and 71st Street (District 1)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 18

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 386

ADOPTED: 01/28/2002

31 SPONSORED BY: Councillor Knox

DIGEST: authorizes a weight limit restriction on Maywood Road from Tibbs Avenue to Warman Avenue (District 17)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 19

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 386

ADOPTED: 01/28/2002

32 SPONSORED BY: Councillors Smith, Nytes

DIGEST: reorganizes the division of permits of the department of metropolitan development under the new name "division of compliance," to assign certain powers and duties to such division including duties previously assigned to other divisions and departments, and to make corresponding technical corrections to numerous sections of the Code

REFERRED TO: Metropolitan Development Committee

GENERAL ORDINANCE 3

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 297

ADOPTED: 01/28/2002

33 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 5, 10655 Indian Lake Boulevard (approximate address) (2001-ZON-086)

REFERRED TO:

REZONING ORDINANCE 1

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 12

ADOPTED: 01/07/2002

34 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 16, 313 South Cincinnati Street (approximate address) (2001-ZON-120)

REFERRED TO:

REZONING ORDINANCE 2

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 12

ADOPTED: 01/07/2002

35 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 2, 6905 North Hoover Road (approximate address) (2001-ZON-141)

REFERRED TO:

REZONING ORDINANCE 3

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 12

ADOPTED: 01/07/2002

36 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 228 North East Street and 439 East New York Street (approximate address) (2001-ZON-144)

REFERRED TO:

REZONING ORDINANCE 4

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 12

ADOPTED: 01/07/2002

2002 Proposal Index

37 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 319 and 323 East St. Joseph Street (approximate addresses) (2001-ZON-146)

REFERRED TO:

REZONING ORDINANCE 5

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 12

ADOPTED: 01/07/2002

38 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Franklin Township, Councilmanic District 23, 5701 East Southport Road (approximate address) (2001-ZON-853)

REFERRED TO:

REZONING ORDINANCE 6

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 12

ADOPTED: 01/07/2002

39 SPONSORED BY: Councillors Soards, Dowden

DIGEST: congratulates and welcomes Dr. Bobby Fong, the 20th President of Butler University

REFERRED TO:

SPECIAL RESOLUTION 1

APPROVED BY MAYOR: 01/10/2002

JOURNAL PAGE: 6

ADOPTED: 01/07/2002

40 SPONSORED BY: Councillor Massie

DIGEST: approves an increase of \$95,000 in the 2002 Budget of the City-County Council (Consolidated County Fund) to provide for redistricting expenses, anticipated but not encumbered in 2001, and to correct an error in posting 2001 encumbrances, financed by fund balances

REFERRED TO: Administration and Finance Committee

FISCAL ORDINANCE 13

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 407

ADOPTED: 02/11/2002

41 SPONSORED BY: Councillor Smith

DIGEST: an inducement resolution for Pleasant Run Apartments not to exceed \$13,000,000 which consists of the acquisition and rehabilitation of a 252-unit apartment complex on an approximately 16 acre parcel of land located at 1366 North Arlington Ave. (District 12)

REFERRED TO: Metropolitan Development Committee

SPECIAL RESOLUTION 4

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 32

ADOPTED: 01/28/2002

42 SPONSORED BY: Councillor Dowden

DIGEST: confirms the Marion County Public Defender Board's nomination of David Cook as Marion County Chief Public Defender

REFERRED TO: Public Safety and Criminal Justice Committee

COUNCIL RESOLUTION 38

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 399

ADOPTED: 02/11/2002

43 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$10,091 in the 2002 Budget of the County Sheriff (State and Federal Grants Fund) for the reimbursement of one officer's overtime who is assigned to the Indiana Joint Terrorism Task Force, funded by a grant from the FBI

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 10

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 405

ADOPTED: 02/11/2002

2002 Proposal Index

44 SPONSORED BY: Councillors Dowden, Talley, Short

DIGEST: approves an increase of \$200,000 in the 2002 Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) to continue funding the Community Court, funded by a federal grant (U.S. Department of Justice)

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 11

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 405

ADOPTED: 02/11/2002

45 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$28,200 in the 2002 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to purchase two electronic message trailers to be utilized by local law enforcement agencies when conducting seat belt enforcement zones, funded by a grant from the Governor's Council on Impaired & Dangerous Driving and the National Highway Traffic Safety Administration

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 12

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 406

ADOPTED: 02/11/2002

46 SPONSORED BY: Councillors Dowden, Talley

DIGEST: approves an increase of \$91,388 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) for the funding of a mental health component and a conflict resolution services coordinator position, funded by Department of Corrections grants

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 8

APPROVED BY MAYOR: 02/22/2002

JOURNAL PAGE: 403

ADOPTED: 02/11/2002

47 SPONSORED BY: Councillor Coonrod

DIGEST: authorizes a traffic signal at 56th Street and Mitthoefer Road (District 5)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 22

APPROVED BY MAYOR: 02/22/2002

JOURNAL PAGE: 412

ADOPTED: 02/11/2002

48 SPONSORED BY: Councillor Brents

DIGEST: authorizes a multi-way stop at 18th Street and Medford Avenue (District 16)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 23

APPROVED BY MAYOR: 02/22/2002

JOURNAL PAGE: 413

ADOPTED: 02/11/2002

49 SPONSORED BY: Councillor Short

DIGEST: authorizes parking restrictions on Prospect Street between Leonard Street and St. Patrick Street (District 21)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 24

APPROVED BY MAYOR: 02/22/2002

JOURNAL PAGE: 414

ADOPTED: 02/11/2002

50 SPONSORED BY: Councillor Talley

DIGEST: authorizes parking restrictions on Monterey Road between Marseille Road and Balboa Drive (District 14)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 25

APPROVED BY MAYOR: 02/22/2002

JOURNAL PAGE: 414

ADOPTED: 02/11/2002

2002 Proposal Index

51 SPONSORED BY: Councillor Massie

DIGEST: authorizes parking restrictions on Windermire Street from Bowman Avenue to Otterbein Avenue (District 20)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 26

APPROVED BY MAYOR: 02/22/2002

JOURNAL PAGE: 414

ADOPTED: 02/11/2002

52 SPONSORED BY: Councillor Borst

DIGEST: reappoints Phyllis Carr to the Urban Enterprise Association

REFERRED TO: Metropolitan Development Committee

COUNCIL RESOLUTION

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE:

WITHDRAWN

53 SPONSORED BY: Councillor Tilford

DIGEST: reappoints Philip Borst to the Capital Improvements Board of Managers

REFERRED TO: Municipal Corporations Committee

COUNCIL RESOLUTION 47

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 443

ADOPTED: 03/18/2002

54 SPONSORED BY: Councillors Gray, Boyd

DIGEST: recognizes retiring Indianapolis Police Department Captain Cephas L. Bandy for his 41 years of police service

REFERRED TO:

SPECIAL RESOLUTION 2

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 17

ADOPTED: 01/28/2002

55 SPONSORED BY: Councillor Borst

DIGEST: permits multiyear vaccination of cats and dogs

REFERRED TO: Public Safety and Criminal Justice Committee

GENERAL ORDINANCE 21

APPROVED BY MAYOR: 02/22/2002

JOURNAL PAGE: 412

ADOPTED: 02/11/2002

56 SPONSORED BY: Councillor Dowden

DIGEST: reappoints Bruce Laetsch to the Citizens Police Complaint Board

REFERRED TO: Public Safety and Criminal Justice Committee

COUNCIL RESOLUTION 39

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 399

ADOPTED: 02/11/2002

57 SPONSORED BY: Councillor Dowden

DIGEST: appoints David J. Certo to the Citizens Police Complaint Board

REFERRED TO: Public Safety and Criminal Justice Committee

COUNCIL RESOLUTION 40

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 399

ADOPTED: 02/11/2002

58 SPONSORED BY: Councillor Smith

DIGEST: proposes to rezone 3.339 acres at 4665 West 16th Street in Wayne Township, Councilmanic District 8, being in the D-7 (FW) (FF) District to the C-4 (FW) (FF) classification to legally establish a motel (2001-ZON-085)

REFERRED TO:

REZONING ORDINANCE 19

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 402

ADOPTED: 02/11/2002

2002 Proposal Index

59 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 10, 2936, 2938, and 2940 North Keystone Avenue (approximate addresses) (2001-ZON-132)

REFERRED TO:

REZONING ORDINANCE 7

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 30

ADOPTED: 01/28/2002

60 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Pike Township, Councilmanic District 2, 8404 North Michigan Road (approximate address) (2001-ZON-133)

REFERRED TO:

REZONING ORDINANCE 8

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 31

ADOPTED: 01/28/2002

61 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 5, 10030 Pendleton Pike (approximate address) (2001-ZON-145)

REFERRED TO:

REZONING ORDINANCE 9

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 31

ADOPTED: 01/28/2002

62 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Franklin Township, Councilmanic District 23, 8525 East Troy Avenue (approximate address) (2001-ZON-154)

REFERRED TO:

REZONING ORDINANCE 10

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 31

ADOPTED: 01/28/2002

63 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 4, 6509 East 75th Street (approximate address) (2001-ZON-149)

REFERRED TO:

REZONING ORDINANCE 11

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 31

ADOPTED: 01/28/2002

64 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 10, 4901 East 31st Street (approximate address) (2001-ZON-157)

REFERRED TO:

REZONING ORDINANCE 12

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 31

ADOPTED: 01/28/2002

65 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 9, 845 West 30th Street (approximate address) (2001-ZON-158)

REFERRED TO:

REZONING ORDINANCE 13

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 31

ADOPTED: 01/28/2002

2002 Proposal Index

66 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 13, 5103 East Washington Street (approximate address) (2001-ZON-859)

REFERRED TO:

REZONING ORDINANCE 14

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 31

ADOPTED: 01/28/2002

67 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 6, 4555 Marcy Lane (approximate address) (2001-ZON-860)

REFERRED TO:

REZONING ORDINANCE 15

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 31

ADOPTED: 01/28/2002

68 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 6, 4555 Marcy Lane (approximate address) (2001-ZON-862)

REFERRED TO:

REZONING ORDINANCE 16

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 32

ADOPTED: 01/28/2002

69 SPONSORED BY: Councillor Coonrod

DIGEST: recognizes the Marion County Auditor's Office for earning the Government Finance Officers Association's Budget Presentation and Financial Reporting Awards

REFERRED TO:

SPECIAL RESOLUTION 3

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 18

ADOPTED: 01/28/2002

70 SPONSORED BY: Councillor Smith

DIGEST: appoints Mac J. Martin to the Board of Zoning Appeals Division II

REFERRED TO: Metropolitan Development Committee

COUNCIL RESOLUTION 48

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 444

ADOPTED: 03/18/2002

71 SPONSORED BY: Councillor Smith

DIGEST: appoints James R. Holden to the Public Housing Board

REFERRED TO: Metropolitan Development Committee

COUNCIL RESOLUTION 49

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 444

ADOPTED: 03/18/2002

72 SPONSORED BY: Councillor Bradford

DIGEST: approves an increase of \$2,983 in the 2002 Budget of the County Auditor (Child Advocacy Fund) to support the continuation of an interdisciplinary response to child abuse and neglect situations for the Family Advocacy Center (per Indiana Code 12-17-12-2), financed by fund balances

REFERRED TO: Community Affairs Committee

FISCAL ORDINANCE 14

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 424

ADOPTED: 02/25/2002

2002 Proposal Index

73 SPONSORED BY: Councillors Cockrum, Short

DIGEST: approves an appropriation of \$500,000 in the 2002 Budget of the Department of Parks and Recreation (Federal Grants Fund) to renovate the parking lot, pool and bathhouse; and to add new basketball courts, additional landscaping and trails at Willard Park, financed by federal funds (Urban Park and Recreation Recovery Program) (Local match of \$214,285 is funded by existing appropriations in the Department of Parks and Recreation budget.)

REFERRED TO: Parks and Recreation Committee

FISCAL ORDINANCE 15

APPROVED BY MAYOR: 03/04/2002

JOURNAL PAGE: 425

ADOPTED: 02/25/2002

74 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$5,000 in the 2002 Budget of the County Sheriff (State and Federal Grants Fund) for a one time reimbursement for one officer assigned to the U.S. Marshal Services' Operation Failed Chance Task Force, funded by a grant from United States Marshals Service

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 16

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 427

ADOPTED: 02/25/2002

75 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$12,928 in the 2002 Budget of the Marion County Justice Agency (Law Enforcement Fund) to purchase computer equipment for the County Sheriff, financed by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 17

APPROVED BY MAYOR: 03/04/2002

JOURNAL PAGE: 427

ADOPTED: 02/25/2002

76 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$7,631 (Law Enforcement Equitable Share Fund) in the 2002 Budget of the Marion County Justice Agency to purchase computer equipment for the County Sheriff, financed by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 18

APPROVED BY MAYOR: 03/04/2002

JOURNAL PAGE: 428

ADOPTED: 02/25/2002

77 SPONSORED BY: Councillor Borst

DIGEST: approves an increase of \$349,600 in the 2002 Budgets of the County Auditor and Forensic Services Agency (Forensic Services Training Fund) to carry out the functions and duties of the laboratory, funded from the fees for training foreign and domestic students in forensic analysis and crime scene services

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 19

APPROVED BY MAYOR: 03/04/2002

JOURNAL PAGE: 429

ADOPTED: 02/25/2002

78 SPONSORED BY: Councillor Nytes

DIGEST: authorizes intersection controls on 27th and 28th Streets at Shriver Avenue (District 22)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 27

APPROVED BY MAYOR: 03/04/2002

JOURNAL PAGE: 431

- ADOPTED: 02/25/2002

79 SPONSORED BY: Councillors Boyd, Schneider

DIGEST: congratulates the Arlington High School Golden Knights boys basketball team for winning the 63rd annual city tournament

REFERRED TO:

SPECIAL RESOLUTION 7

APPROVED BY MAYOR: 02/22/2002

JOURNAL PAGE: 394

ADOPTED: 02/11/2002

2002 Proposal Index

80 SPONSORED BY: Councillor Coughenour

DIGEST: remembers the life and contributions to Indianapolis by civil engineer Ronald Wakasch

REFERRED TO:

SPECIAL RESOLUTION 16

APPROVED BY MAYOR: 03/28/2002

JOURNAL PAGE: 437

ADOPTED: 03/18/2002

81 SPONSORED BY: Councillor Coonrod

DIGEST: congratulates Alan Dhayer and Indianapolis Cable TV Channel 16 for receiving a national public awareness award from Mothers Against Drunk Drivers

REFERRED TO:

SPECIAL RESOLUTION 8

APPROVED BY MAYOR: 02/22/2002

JOURNAL PAGE: 395

ADOPTED: 02/11/2002

82 SPONSORED BY: Councillor Coonrod

DIGEST: amends dates for appointment and report of County Salary Recommendation Panel

REFERRED TO: Administration and Finance Committee

GENERAL ORDINANCE 30

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 482

ADOPTED: 04/08/2002

83 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 5, 6410 Carroll Road (approximate address) (2001-ZON-094) (Amended)

REFERRED TO:

REZONING ORDINANCE 17

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 401

ADOPTED: 02/11/2002

84 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 24, 4700 East County Line Road (approximate address) (2001-ZON-140)

REFERRED TO:

REZONING ORDINANCE 18

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 401

ADOPTED: 02/11/2002

85 SPONSORED BY: Councillors Borst, Soards, Smith, Tilford

DIGEST: urges the city to conduct local public hearings for the new comprehensive land use plan

REFERRED TO: Rules and Public Policy Committee

COUNCIL RESOLUTION

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE:

POSTPONED INDEFINITELY

86 SPONSORED BY: Councillors Coughenour, Brents

DIGEST: determines the need to lease office space at 1375 West 16th Street for the Department of Public Works

REFERRED TO: Administration and Finance Committee

SPECIAL RESOLUTION 24

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 484

ADOPTED: 04/08/2002

87 SPONSORED BY: Councillor Cockrum

DIGEST: appoints Alan Wiseman to the Indianapolis City Market Corporation Board of Directors

REFERRED TO: Metropolitan Development Committee

COUNCIL RESOLUTION 50

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 444

ADOPTED: 03/18/2002

2002 Proposal Index

88 SPONSORED BY: Councillor Smith

DIGEST: approves a transfer of \$5,100 in the 2002 Budgets of the County Auditor and County Surveyor (County General Fund) to provide surveying services to IMAGIS in targeting specified control points for the 2002 aerial photography flyover

REFERRED TO: Metropolitan Development Committee

FISCAL ORDINANCE 22

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 460

ADOPTED: 03/18/2002

89 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$5,608 in the 2002 Budget of the County Sheriff (State and Federal Grants Fund) to purchase 4 radar units and 14 personal breath testers, funded by a grant from the Governor's Council on Impaired & Dangerous Driving

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 20

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 455

ADOPTED: 03/18/2002

90 SPONSORED BY: Councillors Dowden, Moriarty Adams

DIGEST: approves an appropriation of \$70,942 in the 2002 Budget of the Department of Public Safety, Fire Division (Federal Grants Fund) for fire safety programs through Survive Alive, financed by a federal grant (Federal Emergency Management Agency) (Local match of \$30,403 is funded by existing appropriations in the Department of Public Safety, Fire Division's 2002 Budget.)

REFERRED TO: Public Safety and Criminal Justice Committee

F.S.S.D.F.O. 2

APPROVED BY MAYOR: 03/28/2002

JOURNAL PAGE: 462

ADOPTED: 03/18/2002

91 SPONSORED BY: Councillors Dowden, Moriarty Adams

DIGEST: approves an increase of \$3,825 in the 2002 Budget of the Department of Public Safety, Animal Care and Control Division (Consolidated County Fund) to purchase bedding and mats for animals held at the shelter, financed by donations made for that purpose

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 21

APPROVED BY MAYOR: 03/28/2002

JOURNAL PAGE: 456

ADOPTED: 03/18/2002

92 SPONSORED BY: Councillors Talley, Knox

DIGEST: requests that no additional taxpayer funding be provided to the Indianapolis Training Center, nor that the Marion County Superior Court, Juvenile Division, make any additional referrals to the Center pending the completion of the Child Protective Services' investigation of the Center, and a review of that investigation be made by the Marion County Prosecutor

REFERRED TO: Public Safety and Criminal Justice Committee

SPECIAL RESOLUTION

APPROVED BY MAYOR: / /

JOURNAL PAGE:

POSTPONED INDEFINITELY

93 SPONSORED BY: Councillor Bainbridge

DIGEST: authorizes a multi-way stop at Corvallis Crescent and Eagledale Drive (District 8)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 28

APPROVED BY MAYOR: 03/28/2002

JOURNAL PAGE: 461

ADOPTED: 03/18/2002

94 SPONSORED BY: Councillor Borst

DIGEST: reappoints Paul E. Ferguson to the Wellfield Education Corporation

REFERRED TO: Metropolitan Development Committee

COUNCIL RESOLUTION 51

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 445

ADOPTED: 03/18/2002

2002 Proposal Index

95 SPONSORED BY: Councillor Borst

DIGEST: reappoints Kathryn Rietmann to the Wellfield Education Corporation

REFERRED TO: Metropolitan Development Committee

COUNCIL RESOLUTION 52

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 445

ADOPTED: 03/18/2002

96 SPONSORED BY: Councillor Borst

DIGEST: reappoints John Schuler to the Wellfield Education Corporation

REFERRED TO: Metropolitan Development Committee

COUNCIL RESOLUTION 53

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 445

ADOPTED: 03/18/2002

97 SPONSORED BY: Councillors Dowden, Moriarty Adams

DIGEST: determines that the execution of an amendment (Arrestee Processing Center) to the Lease for Jail II is necessary

REFERRED TO: Public Safety and Criminal Justice Committee

GENERAL ORDINANCE 29

APPROVED BY MAYOR: 03/28/2002

JOURNAL PAGE: 458

ADOPTED: 03/18/2002

98 SPONSORED BY: Councillors Nytes, Boyd

DIGEST: appoints Linda N. Perdue to the Equal Opportunity Advisory Board

REFERRED TO: Administration and Finance Committee

COUNCIL RESOLUTION 56

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 472

ADOPTED: 04/08/2002

99 SPONSORED BY: Councillors Nytes, Boyd

DIGEST: appoints Phyllis Gabovitch to the Indianapolis City Market Corporation Board of Directors

REFERRED TO: Metropolitan Development Committee

COUNCIL RESOLUTION 54

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 445

ADOPTED: 03/18/2002

100 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: authorizes the assignment of Indianapolis Water Company's liabilities and obligations under the 1998 Bonds to the Waterworks District, and authorizes the 1998 Bonds to be payable from the net revenues of the Waterworks District

REFERRED TO: Public Works Committee

SPECIAL ORDINANCE 1

APPROVED BY MAYOR: 03/21/2002

JOURNAL PAGE: 454

ADOPTED: 03/18/2002

101 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: approves the issuance of one or more series of City of Indianapolis, Indiana Waterworks District Revenue Bonds (Bonds) and, if necessary, one or more series of bond anticipation notes (BANs) in an aggregate principal amount not to exceed \$625,000,000 and approves and authorizes the Management Agreement and other actions in respect thereto

REFERRED TO: Public Works Committee

GENERAL RESOLUTION 1

APPROVED BY MAYOR: 03/21/2002

JOURNAL PAGE: 453

ADOPTED: 03/18/2002

2002 Proposal Index

102 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 14, 4445, 4501, 4503-4507 Post Road (approximate addresses) (99-Z-147)

REFERRED TO:

REZONING ORDINANCE 20

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 423

ADOPTED: 02/25/2002

103 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 21, 1701 Walker Avenue (approximate address) (2001-ZON-143) (2001-DP-017)

REFERRED TO:

REZONING ORDINANCE 21

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 423

ADOPTED: 02/25/2002

104 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 4, 6752 and 6758 Gentry Street and 8099 and 8101 Castleton Road (approximate addresses) (2001-ZON-148)

REFERRED TO:

REZONING ORDINANCE 22

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 424

ADOPTED: 02/25/2002

105 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 721 East 27th Street, 725 East 27th Street, and 2644, 2702, 2708, and 2712 Carrollton Avenue (approximate addresses) (2001-ZON-155)

REFERRED TO:

REZONING ORDINANCE 23

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 424

ADOPTED: 02/25/2002

106 SPONSORED BY: Councillor Borst

DIGEST: recognizes the contributions of Dr. Jeffrey P. Bonner, President and Chief Executive Officer of the Indianapolis Zoological Society from 1993 to 2002

REFERRED TO:

SPECIAL RESOLUTION 12

APPROVED BY MAYOR: 03/04/2002

JOURNAL PAGE: 419

ADOPTED: 02/25/2002

107 SPONSORED BY: Councillors Borst, SerVaas

DIGEST: recognizes long time civic leader James T. Morris

REFERRED TO:

SPECIAL RESOLUTION 13

APPROVED BY MAYOR: 03/04/2002

JOURNAL PAGE: 420

ADOPTED: 02/25/2002

108 SPONSORED BY: Councillor Tilford

DIGEST: welcomes the new Home Depot home improvement store to 2225 North Post Road and the two other Indianapolis locations

REFERRED TO:

SPECIAL RESOLUTION 14

APPROVED BY MAYOR: 03/04/2002

JOURNAL PAGE: 421

ADOPTED: 02/25/2002

2002 Proposal Index

109 SPONSORED BY: Councillor Nytes

DIGEST: approves the Mayor's appointment of Shawna Meyer Eikenberry as hearing officer

REFERRED TO: Administration and Finance Committee

COUNCIL RESOLUTION

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE:

WITHDRAWN

110 SPONSORED BY: Councillors Black, Sanders

DIGEST: establishes a minimum wage level for city and county employees, employees of certain local government contractors and those entities receiving property tax incentives

REFERRED TO: Rules and Public Policy Committee

GENERAL ORDINANCE

APPROVED BY MAYOR: / /

JOURNAL PAGE:

POSTPONED INDEFINITELY

111 SPONSORED BY: Councillor Coonrod

DIGEST: appoints Sue Beesley to the City County Administrative Board

REFERRED TO: Administration and Finance Committee

COUNCIL RESOLUTION 57

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 472

ADOPTED: 04/08/2002

112 SPONSORED BY: Councillor Bradford

DIGEST: approves an increase of \$19,600 in the 2002 Budgets of the County Auditor and the Cooperative Extension Service (County Grants Fund) to fund Character Education at after-school sites within the Indianapolis Public School system, funded by a grant from the Indianapolis Board of School Commissioners

REFERRED TO: Community Affairs Committee

FISCAL ORDINANCE 29

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 517

ADOPTED: 04/29/2002

113 SPONSORED BY: Councillor Bainbridge

DIGEST: reappoints David B. Sears to the Speedway Economic Development Commission

REFERRED TO: Metropolitan Development Committee

COUNCIL RESOLUTION 61

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 507

ADOPTED: 04/29/2002

114 SPONSORED BY: Councillor Dowden

DIGEST: amends Council Resolution No. 21, 2000 to correct the term of Al Polin as a member of the Citizens Police Complaint Board

REFERRED TO: Public Safety and Criminal Justice Committee

COUNCIL RESOLUTION 58

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 472

ADOPTED: 04/08/2002

115 SPONSORED BY: Councillors Dowden, Moriarty Adams

DIGEST: approves a re-appropriation of \$42,575 in the 2002 Budget of the Department of Public Safety, Fire Division (Federal Grants Fund) to manage the FEMA Urban Search and Rescue Task Force - 1, funded by a federal grant

REFERRED TO: Public Safety and Criminal Justice Committee

F.S.S.D.F.O. 3

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 493

ADOPTED: 04/08/2002

2002 Proposal Index

116 SPONSORED BY: Councillor Dowden

DIGEST: appropriates the Department of Corrections' increase of \$22,792 in the 2002 Budget of Community Corrections (Home Detention Fund) for FY 2001-02

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 23

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 478

ADOPTED: 04/08/2002

117 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$650,000 in the 2002 Budget of Community Corrections (Home Detention Fund) to fund the housing of felons in the Corrections Center Component, funded by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 24

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 478

ADOPTED: 04/08/2002

118 SPONSORED BY: Councillor Dowden

DIGEST: approves a transfer of \$25,000 in the 2002 Budget of the Marion County Justice Agency (Conditional Release Fund) to provide funds for the redesign project of the Conditional Release Office

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 28

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 485

ADOPTED: 04/08/2002

119 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$23,521 in the 2002 Budgets of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to continue the Arrestee Drug Monitoring Program (ADAM), funded by a federal grant

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE

APPROVED BY MAYOR: / /

JOURNAL PAGE:

WITHDRAWN

120 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: approves an appropriation of \$258,000 in the 2002 Budget of the Department of Public Works, Operations Division (Solid Waste Collection Service District Fund) to pay for 2001 expenses as well as anticipated 2002 expenses for temporary labor services, financed by fund balances

REFERRED TO: Public Works Committee

S.W.C.S.S.D.F.O. 1

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 495

ADOPTED: 04/08/2002

121 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: approves a re-appropriation of \$330,000 in the 2002 Budget of the Department of Public Works, Operations Division (Solid Waste Disposal Fund) to pay prior year expenditures in order to maintain current year expenditures from the current year budget, financed by fund balances

REFERRED TO: Public Works Committee

FISCAL ORDINANCE 25

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 479

ADOPTED: 04/08/2002

122 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: approves an increase of \$205,000 in the 2002 Budget of the Department of Public Works, Operations Division (Sanitation Liquid Waste Fund) to pay prior year expenditures for sewer billing services in order to maintain current year expenditures from the current year budget, financed by fund balances

REFERRED TO: Public Works Committee

FISCAL ORDINANCE 26

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 480

ADOPTED: 04/08/2002

2002 Proposal Index

123 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: approves an increase of \$2,665,000 in the 2002 Budget of the Department of Public Works, Operations Division (Sanitation Liquid Waste Fund) to pay prior year expenditures for wastewater collection services in order to maintain current year expenditures from the current year budget, financed by fund balances

REFERRED TO: Public Works Committee

FISCAL ORDINANCE 27

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 481

ADOPTED: 04/08/2002

124 SPONSORED BY: Councillors Brents, Nytes

DIGEST: authorizes the Department of Public Works to implement a parking meter blackout on Monument Circle on May 24, 2002

REFERRED TO: Public Works Committee

GENERAL RESOLUTION 2

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 487

ADOPTED: 04/08/2002

125 SPONSORED BY: Councillor Dowden

DIGEST: authorizes a traffic signal at 86th Street and Castleton Square Mall West Drive (Districts 4, 5)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 32

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 487

ADOPTED: 04/08/2002

126 SPONSORED BY: Councillors Smith, Coughenour

DIGEST: authorizes a traffic signal at Emerson Avenue, Commerce Square, and McFarland Boulevard (Districts 23, 24)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 33

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 488

ADOPTED: 04/08/2002

127 SPONSORED BY: Councillor Smith

DIGEST: authorizes intersection controls at Nathan Lane and Nathan Place (District 23)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 34

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 488

ADOPTED: 04/08/2002

128 SPONSORED BY: Councillor McWhirter

DIGEST: authorizes intersection controls at Country Club Boulevard and Kayla Drive (District 18)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 35

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 489

ADOPTED: 04/08/2002

129 SPONSORED BY: Councillor McWhirter

DIGEST: authorizes intersection controls for the Traditions of Westmont Park Subdivision (District 18)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 36

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 489

ADOPTED: 04/08/2002

130 SPONSORED BY: Councillor Brents

DIGEST: authorizes a multi-way stop at 26th Street and Franklin Place (District 16)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 37

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 489

ADOPTED: 04/08/2002

2002 Proposal Index

131 SPONSORED BY: Councillor Douglas

DIGEST: authorizes intersection controls at 23rd Street and DeQuincy Street (District 10)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 38

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 490

ADOPTED: 04/08/2002

132 SPONSORED BY: Councillor Bradford

DIGEST: authorizes a multi-way stop at Central Avenue and 58th Street (District 7)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 39

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 490

ADOPTED: 04/08/2002

133 SPONSORED BY: Councillor Massie

DIGEST: authorizes parking restrictions on Ransdell Street from Pleasant Run Parkway N. Drive to Raymond Street (District 20)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 40

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 491

ADOPTED: 04/08/2002

134 SPONSORED BY: Councillor Soards

DIGEST: authorizes parking restrictions on Northwest Boulevard from 84th Street to 86th Street (District 1)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 41

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 491

ADOPTED: 04/08/2002

135 SPONSORED BY: Councillor Langsford

DIGEST: authorizes a one-way southbound on Downey Avenue from Julian Avenue to Washington Street; and authorizes parking restrictions on Downey Avenue, on the west side, from a point 30 feet south of Julian Avenue to Washington Street (District 13)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 42

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 491

ADOPTED: 04/08/2002

136 SPONSORED BY: Councillors Massie, Coughenour

DIGEST: authorizes the removal of parking restrictions for Sear Terrace between Palo Verde Drive and Paso Del Norte Drive (Districts 20, 24)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 31

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 492

ADOPTED: 04/08/2002

137 SPONSORED BY: Councillors Moriarty Adams, Langsford

DIGEST: recognizes the Centennial Anniversary of Indianapolis' annexation of Irvington

REFERRED TO:

SPECIAL RESOLUTION 17

APPROVED BY MAYOR: 03/28/2002

JOURNAL PAGE: 438

ADOPTED: 03/18/2002

138 SPONSORED BY: Councillors Gibson, Short

DIGEST: recognizing The Children's Museum of Indianapolis

REFERRED TO:

SPECIAL RESOLUTION 18

APPROVED BY MAYOR: 03/28/2002

JOURNAL PAGE: 439

ADOPTED: 03/18/2002

2002 Proposal Index

139 SPONSORED BY: Councillors Coonrod, Dowden

DIGEST: recognizes and thanks Indiana State Treasurer Tim Berry for his innovative \$5 million state assistance for Indianapolis police and fire pension funding

REFERRED TO:

SPECIAL RESOLUTION 19

APPROVED BY MAYOR: 03/28/2002

JOURNAL PAGE: 440

ADOPTED: 03/18/2002

140 SPONSORED BY: Councillor Conley

DIGEST: recognizes motivator and Hoosier Minority Chamber of Commerce President Linda Clemons

REFERRED TO:

SPECIAL RESOLUTION 20

APPROVED BY MAYOR: 03/28/2002

JOURNAL PAGE: 440

ADOPTED: 03/18/2002

141 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 5, 11850 East 38th Street (approximate address) (2001-ZON-150)

REFERRED TO:

REZONING ORDINANCE 24

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 449

ADOPTED: 03/18/2002

142 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 25, 8630 Bluff Road (approximate address) (2001-ZON-114)

REFERRED TO:

REZONING ORDINANCE 25

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 449

ADOPTED: 03/18/2002

143 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Franklin Township, Councilmanic District 23, 3510 South Post Road (approximate address) (2001-ZON-

REFERRED TO:

REZONING ORDINANCE 26

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 449

ADOPTED: 03/18/2002

144 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Franklin Township, Councilmanic District 23, 7401 South Franklin Road (approximate address) (2001-ZON-135)

REFERRED TO:

REZONING ORDINANCE 27

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 449

ADOPTED: 03/18/2002

145 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Pike Township, Councilmanic District 1, 5609-5651 West 86th Street (approximate address) (2001-ZON-142)

REFERRED TO:

REZONING ORDINANCE 28

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 449

ADOPTED: 03/18/2002

2002 Proposal Index

146 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 2257, 2258, 2261, 2264, 2301, 2302, 2305, and 2306 North Talbot Street, and 121 East 23rd Street (approximate addresses) (2001-ZON-163)

REFERRED TO:

REZONING ORDINANCE 29

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 450

ADOPTED: 03/18/2002

147 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 6, 1545 and 1549 East 38th Street, 3750 Fall Creek Parkway North Drive (approximate addresses) (2001-ZON-167)

REFERRED TO:

REZONING ORDINANCE 30

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 450

ADOPTED: 03/18/2002

148 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 747 North College Avenue (approximate address) (2001-ZON-152)

REFERRED TO:

REZONING ORDINANCE 31

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 450

ADOPTED: 03/18/2002

149 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Wayne Township, Councilmanic District 16, 3237 West 16th Street (approximate address) (2002-ZON-002)

REFERRED TO:

REZONING ORDINANCE 32

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 450

ADOPTED: 03/18/2002

150 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 16, 315-329 South New Jersey Street (approximate address) (2002-ZON-006)

REFERRED TO:

REZONING ORDINANCE 33

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 450

ADOPTED: 03/18/2002

151 SPONSORED BY: Councillors Smith, Nytes

DIGEST: approves an increase of \$6,335,789 in the 2002 Budget of the Department of Metropolitan Development (State Grants, Federal Grants, Consolidated County, Redevelopment District Capital Projects, and Redevelopment Funds) for administering state and federal grants which provide affordable and supportive housing opportunities, community development, brownfield assessment and remediation, and economic development initiatives, financed by state and federal grants and fund balances

REFERRED TO: Metropolitan Development Committee

FISCAL ORDINANCE 30

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 518

ADOPTED: 04/29/2002

152 SPONSORED BY: Councillors Dowden, Moriarty Adams, Soards

DIGEST: approves an appropriation of \$85,899 in the 2002 Budget of the Department of Public Safety, Emergency Management Planning Division (Consolidated County Fund) to add one Deputy Administrator and one Senior Coordinator, along with some associated operating costs, financed by fund balances and partial reimbursement from the State Emergency Management Agency

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 40

APPROVED BY MAYOR: 06/03/2002

JOURNAL PAGE: 564

ADOPTED: 05/20/2002

2002 Proposal Index

153 SPONSORED BY: Councillors Dowden, Moriarty Adams, Horseman

DIGEST: approves an increase of \$17,345 in the 2002 Budget of the Department of Public Safety, Animal Care and Control Division (Consolidated County Fund) for construction of a fence around the proposed exercise area at the animal shelter, financed by private donations

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 31

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 521

ADOPTED: 04/29/2002

154 SPONSORED BY: Councillors Dowden, Moriarty Adams, Soards, Horseman, Talley

DIGEST: approves a transfer of \$135,000 in the 2002 Budget of the Department of Public Safety, Animal Care and Control Division (Consolidated County Fund) to pay salaries and benefits of five new staff positions who will perform various functions which are currently being done at the city's animal shelter by the Indianapolis Humane Society

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 39

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 542

ADOPTED: 04/29/2002

155 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$23,521 in the 2002 Budget of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to continue the Arrestee Drug Monitoring Program (ADAM), funded by a federal grant

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 32

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 522

ADOPTED: 04/29/2002

156 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$21,500 in the 2002 Budget of the Marion County Justice Agency (Law Enforcement Fund) to purchase computer equipment for the County Sheriff, financed by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 33

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 522

ADOPTED: 04/29/2002

157 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: approves a transfer of \$60,000 in the 2002 Budget of the Department of Public Works, Policy and Planning Division (Sanitation Liquid Waste Fund) to purchase hardware associated with a network upgrade to the Belmont facility

REFERRED TO: Public Works Committee

FISCAL ORDINANCE 38

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 527

ADOPTED: 04/29/2002

158 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: approves an increase of \$84,000 in the 2002 Budget of the Department of Public Works, Policy and Planning Division (Storm Water Management Fund) to provide public and media relations consulting services for the Stormwater Management program, and to facilitate effective and timely communication with the non-residential property owners about the drainage program and the upcoming stormwater utility bills, financed by fund balances

REFERRED TO: Public Works Committee

FISCAL ORDINANCE 34

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 524

ADOPTED: 04/29/2002

2002 Proposal Index

159 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: approves an appropriation of \$8,320,000 in the 2002 Budget of the Department of Public Works, Engineering Division (Sanitation Liquid Waste Fund) for Real Time Control early action combined sewer overflow (CSO) projects, financed by fund balances

REFERRED TO: Public Works Committee

FISCAL ORDINANCE 35

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 525

ADOPTED: 04/29/2002

160 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: approves an appropriation of \$232,891 in the 2002 Budget of the Department of Public Works, Engineering Division (Federal Grants Fund) to further pollution control efforts on the West Fork of the White River, Fall Creek, and Pleasant Run, financed by federal funds

REFERRED TO: Public Works Committee

FISCAL ORDINANCE 36

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 526

ADOPTED: 04/29/2002

161 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: approves an appropriation of \$2,500,000 in the 2002 Budget of the Department of Public Works, Engineering Division (Solid Waste Disposal Fund) to restore the stream bank along the White River near the former Tibbs Avenue and Banta Road landfill, financed by fund balances

REFERRED TO: Public Works Committee

FISCAL ORDINANCE 37

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 526

ADOPTED: 04/29/2002

162 SPONSORED BY: Councillor Coonrod

DIGEST: authorizes a traffic signal at 56th Street and Lee Road (District 5)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 44

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 543

ADOPTED: 04/29/2002

163 SPONSORED BY: Councillor Coonrod

DIGEST: authorizes a traffic signal at 59th Street and Lee Road (District 5)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 45

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 543

ADOPTED: 04/29/2002

164 SPONSORED BY: Councillor Tilford

DIGEST: authorizes intersection controls at Whitty Lane at 14th Street and at 16th Street (District 12)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 46

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 544

ADOPTED: 04/29/2002

165 SPONSORED BY: Councillor Douglas

DIGEST: authorizes intersection controls at Coburn Avenue and Coil Street (District 10)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 47

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 544

ADOPTED: 04/29/2002

2002 Proposal Index

166 SPONSORED BY: Councillor Schneider

DIGEST: authorizes multi-way stops at various intersections located in the Royal Pines Estates (District 3)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 48

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 545

ADOPTED: 04/29/2002

167 SPONSORED BY: Councillor Massie

DIGEST: authorizes parking restrictions on Surrey Drive from Coach Road to Shelby Street (District 20)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 49

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 545

ADOPTED: 04/29/2002

168 SPONSORED BY: Councillor Knox

DIGEST: authorizes parking restrictions on Everett Street from Harding Street to White River Parkway W. Drive, and authorizes a change in one-way restrictions on Everett Street (District 17)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 50

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 546

ADOPTED: 04/29/2002

169 SPONSORED BY: Councillors Langsford, Moriarty Adams, Nytes

DIGEST: authorizes parking restrictions on various streets intersecting with Michigan Street (Districts 13, 15, 22)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 51

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 546

ADOPTED: 04/29/2002

170 SPONSORED BY: Councillors Langsford, Moriarty Adams, Short, Nytes

DIGEST: authorizes parking restrictions on various streets intersecting with Washington Street (Districts 13, 15, 21, 22)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 52

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 547

ADOPTED: 04/29/2002

171 SPONSORED BY: Councillor Nytes

DIGEST: authorizes a change in the one-way restrictions on 14th Street between Pennsylvania Street and Delaware Street (District 22)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 53

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 547

ADOPTED: 04/29/2002

172 SPONSORED BY: Councillor Smith

DIGEST: authorizes a weight limit restriction on Marlin Road between Senour Road and Carroll Road (District 23)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 54

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 548

ADOPTED: 04/29/2002

173 SPONSORED BY: Councillor Bradford

DIGEST: authorizes a multi-way stop at Hillside Avenue and 57th Street (District 7)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 55

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 548

ADOPTED: 04/29/2002

2002 Proposal Index

174 SPONSORED BY: Councillor Coonrod

DIGEST: reappoints William R. Wayman to the Indianapolis-Marion County Building Authority Board of Trustees

REFERRED TO: Administration and Finance Committee

COUNCIL RESOLUTION 62

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 560

ADOPTED: 05/20/2002

175 SPONSORED BY: Councillor Cockrum

DIGEST: appoints Dale Thornberry to the Board of Parks and Recreation

REFERRED TO: Parks and Recreation Committee

COUNCIL RESOLUTION 63

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 560

ADOPTED: 05/20/2002

176 SPONSORED BY: Councillor Talley

DIGEST: recognizes Cieare Horton

REFERRED TO:

SPECIAL RESOLUTION 21

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 467

ADOPTED: 04/08/2002

177 SPONSORED BY: Councillor Talley

DIGEST: recognizes Deacon James Meyers

REFERRED TO:

SPECIAL RESOLUTION 22

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 468

ADOPTED: 04/08/2002

178 SPONSORED BY: Councillor Bainbridge

DIGEST: recognizes the Speedway Sparkplugs for their first-ever state basketball championship title

REFERRED TO:

SPECIAL RESOLUTION 23

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 469

ADOPTED: 04/08/2002

179 SPONSORED BY: Councillors Horseman, Boyd, Conley, Gibson, Sanders

DIGEST: recognizes the distinguished service of retired U.S. Marshal Frank J. Anderson

REFERRED TO:

SPECIAL RESOLUTION

APPROVED BY MAYOR: / /

JOURNAL PAGE:

WITHDRAWN

180 SPONSORED BY: Councillors Nytes, Sanders

DIGEST: congratulates the Junior League of Indianapolis upon their 80th Anniversary

REFERRED TO:

SPECIAL RESOLUTION 25

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 469

ADOPTED: 04/08/2002

181 SPONSORED BY: Councillors Talley, Langsford

DIGEST: commends Flanner and Buchanan Funeral Centers, Washington Park Cemetery Association, Inc. and Catholic Cemeteries Association for their children's bicycle helmet safety initiative

REFERRED TO:

SPECIAL RESOLUTION 26

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 470

ADOPTED: 04/08/2002

2002 Proposal Index

182 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 25, 1500 West Banta Road (approximate address) (2001-ZON-161) (2001-DP-019)

REFERRED TO:

REZONING ORDINANCE 34

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 477

ADOPTED: 04/08/2002

183 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 2, 4615 North Michigan Road (approximate address) (2001-ZON-162) (2001-DP-020)

REFERRED TO:

REZONING ORDINANCE 35

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 477

ADOPTED: 04/08/2002

184 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 13, 9470 East Washington Street (approximate address) (2002-ZON-010)

REFERRED TO:

REZONING ORDINANCE 36

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 477

ADOPTED: 04/08/2002

185 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 21, 1502 South Keystone Avenue (approximate address) (2002-ZON-011)

REFERRED TO:

REZONING ORDINANCE 37

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 477

ADOPTED: 04/08/2002

186 SPONSORED BY: Councillor Smith

DIGEST: an inducement resolution for Tara Apartments in an amount not to exceed \$9,000,000 which consists of the rehabilitation of a 228-unit, pre-existing apartment complex on an approximately 11.535 acre parcel of real estate located at 3287 East Tara Court (District 8)

REFERRED TO: Metropolitan Development Committee

SPECIAL ORDINANCE 2

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 515

ADOPTED: 04/29/2002

187 SPONSORED BY: Councillor Langsford

DIGEST: approves a transfer of \$12,000 in the 2002 Budget of the County Coroner (County General Fund) to provide funds for data cable expenditures for the building on McCarty Street

REFERRED TO: Administration and Finance Committee

FISCAL ORDINANCE 43

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 570

ADOPTED: 05/20/2002

188 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$220,240 in the 2002 Budgets of the County Auditor and the Marion County Public Defender Agency (State and Federal Grants Fund) to fund advocate alternative sentencing options and a Mental Health Coordinator, funded by a grant from the Indiana Criminal Justice Institute (Local match of \$73,413 is funded by the following existing appropriations: \$60,042 in the Marion County Public Defender Agency General Fund budget and \$13,371 from an outside agency [Midtown Mental Health].)

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 44

APPROVED BY MAYOR: 06/13/2002

JOURNAL PAGE: 600

ADOPTED: 06/03/2002

2002 Proposal Index

189 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$35,000 in the 2002 Budget of the County Sheriff (State and Federal Grants Fund) to appropriate a pass-through grant from the Indiana Criminal Justice Institute for the Destiny Delinquency Prevention and Music Therapy Program

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE:

POSTPONED INDEFINITELY

190 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$202,462 in the 2002 Budget of the County Sheriff (State and Federal Grants Fund) for the reimbursement of prior expenses related to housing illegal aliens by the State Criminal Alien Assistance Program, funded by a grant from the Bureau of Justice Assistance

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 41

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 566

ADOPTED: 05/20/2002

191 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$57,806 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to appropriate a state grant for the Kindermusik Family Re-Integration Project

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE:

POSTPONED INDEFINITELY

192 SPONSORED BY: Councillor Dowden

DIGEST: creates a clerk's cash change fund

REFERRED TO: Public Safety and Criminal Justice Committee

GENERAL ORDINANCE 56

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 571

ADOPTED: 05/20/2002

193 SPONSORED BY: Councillor Gibson

DIGEST: amends the code to prohibit the carrying of dangerous weapons, sharp objects, or explosives in certain places of public assemblage

REFERRED TO: Public Safety and Criminal Justice Committee

GENERAL ORDINANCE

APPROVED BY MAYOR: / /

JOURNAL PAGE:

POSTPONED INDEFINITELY

194 SPONSORED BY: Councillor Nytes

DIGEST: approves the Mayor's appointment of Brent A. Auberry as hearing officer

REFERRED TO: Administration and Finance Committee

COUNCIL RESOLUTION 64

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 561

ADOPTED: 05/20/2002

195 SPONSORED BY: Councillor Schneider

DIGEST: authorizes a traffic signal for Harcourt Road and Katie Knox Drive (District 3) -

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 57

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 572

ADOPTED: 05/20/2002

2002 Proposal Index

196 SPONSORED BY: Councillor Soards

DIGEST: authorizes intersection controls for Dandy Trail and Traders Cove Lane (District 1)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 58

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 573

ADOPTED: 05/20/2002

197 SPONSORED BY: Councillor Soards

DIGEST: authorizes intersection controls for Dandy Trail and Cove Court (District 1)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 59

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 573

ADOPTED: 05/20/2002

198 SPONSORED BY: Councillor Soards

DIGEST: authorizes intersection controls for Dandy Trail and Sailors Lane, and for Sailors Lane and Watersite Circle (District 1)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 60

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 573

ADOPTED: 05/20/2002

199 SPONSORED BY: Councillor Gray

DIGEST: authorizes intersection controls at Downing Drive, Northgate Drive, and Sylvan Drive (District 9)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 61

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 574

ADOPTED: 05/20/2002

200 SPONSORED BY: Councillor Short

DIGEST: authorizes a multi-way stop at Clayton Avenue and Gray Street (District 21)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 62

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 574

ADOPTED: 05/20/2002

201 SPONSORED BY: Councillors Knox, Borst

DIGEST: authorizes a multi-way stop at Belmont Avenue and Minnesota Street (Districts 17, 25)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 63

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 575

ADOPTED: 05/20/2002

202 SPONSORED BY: Councillors Knox, Borst

DIGEST: authorizes a change in parking restrictions on Belmont Avenue near Minnesota Street (Districts 17, 25)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE

APPROVED BY MAYOR: / /

JOURNAL PAGE:

POSTPONED INDEFINITELY

203 SPONSORED BY: Councillor Knox

DIGEST: authorizes parking restrictions on Mount Street from the first alley south of Washington Street to Washington Street (District 17)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 64

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 575

ADOPTED: 05/20/2002

2002 Proposal Index

204 SPONSORED BY: Councillor Nytes

DIGEST: authorizes parking restrictions on Capitol Avenue near 20th Street (District 22)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 65

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 576

ADOPTED: 05/20/2002

205 SPONSORED BY: Councillor Nytes

DIGEST: authorizes parking restrictions on Dorman Street and on New York Street (District 22)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 66

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 576

ADOPTED: 05/20/2002

206 SPONSORED BY: Councillor Massie

DIGEST: authorizes parking restrictions on Bacon Street near Stanley Avenue to dead end (District 20)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 67

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 576

ADOPTED: 05/20/2002

207 SPONSORED BY: Councillor Gray

DIGEST: authorizes parking restrictions on White River Parkway E. Drive between 30th Street and 38th Street (District 9)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 68

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 577

ADOPTED: 05/20/2002

208 SPONSORED BY: Councillors Douglas, Nytes

DIGEST: authorizes a weight limit restriction on Ralston Avenue from 22nd Street to 25th Street (Districts 10, 22)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 69

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 577

ADOPTED: 05/20/2002

209 SPONSORED BY: Councillor Brents

DIGEST: authorizes a weight limit restriction on Riverside Drive East, from 18th Street to 29th Street (District 16)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 70

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 577

ADOPTED: 05/20/2002

210 SPONSORED BY: Councillors Cockrum, Douglas

DIGEST: approves appropriations in the 2002 Budget of the Department of Parks and Recreation: an increase of \$229,877 (Federal Grants Fund) to continue the after-school programs for the 2001-2002 school year at Forest Manor School and School 108, financed by a federal grant (US Department of Education); and a transfer of \$60,240 (Park General Fund) to provide additional monitoring of wells at the Pleasant Run and Sarah Shank golf courses

REFERRED TO: Parks and Recreation Committee

FISCAL ORDINANCE 42

APPROVED BY MAYOR: 06/13/2002

JOURNAL PAGE: 567

ADOPTED: 06/03/2002

211 SPONSORED BY: Councillor Massie

DIGEST: establishes the rules for redistricting hearings

REFERRED TO: Rules and Public Policy Committee

COUNCIL RESOLUTION 65

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 579

ADOPTED: 05/20/2002

2002 Proposal Index

212 SPONSORED BY: Councillor Dowden

DIGEST: concerns the National Day of Prayer

REFERRED TO:

COUNCIL RESOLUTION 59

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 502

ADOPTED: 04/29/2002

213 SPONSORED BY: Councillors Horseman, Conley, Gibson, Sanders

DIGEST: recognizes Fiesta Indianapolis' Cinco de Mayo community celebration on May 5

REFERRED TO:

SPECIAL RESOLUTION 27

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 503

ADOPTED: 04/29/2002

214 SPONSORED BY: Councillors Horseman, Sanders, Nytes

DIGEST: recognizes world champion powerlifter Michelle Amsden

REFERRED TO:

SPECIAL RESOLUTION 28

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 503

ADOPTED: 04/29/2002

215 SPONSORED BY: Councillors Sanders, Black, Horseman

DIGEST: recognizes Workers Memorial Day that was celebrated April 28, 2002

REFERRED TO:

SPECIAL RESOLUTION 29

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 504

ADOPTED: 04/29/2002

216 SPONSORED BY: Councillor Talley

DIGEST: recognizes the Honorable Bishop S. C. Madison of the United House of Prayer For All People

REFERRED TO:

SPECIAL RESOLUTION 30

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 505

ADOPTED: 04/29/2002

217 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 14, 5330 East 38th Street (approximate address) (2001-ZON-129)

REFERRED TO:

REZONING ORDINANCE 38

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 513

ADOPTED: 04/29/2002

218 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 11, 4010 Meadows Parkway (approximate address) (2001-ZON-165)

REFERRED TO:

REZONING ORDINANCE 39

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 513

ADOPTED: 04/29/2002

219 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 2, 6600 Westfield Boulevard (approximate address) (2001-ZON-139) (2001-DP-016)

REFERRED TO:

REZONING ORDINANCE 40

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 513

ADOPTED: 04/29/2002

2002 Proposal Index

220 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 7, 1405 East Broad Ripple Avenue and 6229 Indianola Avenue (approximate addresses) (2001-ZON-801)

REFERRED TO:

REZONING ORDINANCE 41

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 513

ADOPTED: 04/29/2002

221 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 16, 443 Virginia Avenue (approximate address) (2001-ZON-858) (Amended)

REFERRED TO:

REZONING ORDINANCE 42

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 513

ADOPTED: 04/29/2002

222 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Wayne Township, Councilmanic District 19, 1702 Bridgeport Road (approximate address) (2001-ZON-863) (2001-DP-018) (Amended)

REFERRED TO:

REZONING ORDINANCE 43

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 513

ADOPTED: 04/29/2002

223 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 20, 7013 and 7015 South U.S. 31 (approximate address) (2001-ZON-018)

REFERRED TO:

REZONING ORDINANCE 44

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 514

ADOPTED: 04/29/2002

224 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Pike Township, Councilmanic District 1, 7550 Zionsville Road (approximate address) (2001-ZON-021)

REFERRED TO:

REZONING ORDINANCE 45

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 514

ADOPTED: 04/29/2002

225 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 1551-1557 North College Avenue (approximate addresses) (2001-ZON-160)

REFERRED TO:

REZONING ORDINANCE 46

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 514

ADOPTED: 04/29/2002

226 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 312 E. 10th Street/1005 N. Alabama Street (approximate addresses) (2001-ZON-169)

REFERRED TO:

REZONING ORDINANCE 47

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 514

ADOPTED: 04/29/2002

2002 Proposal Index

227 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 1610 East Washington Street
(approximate address) (2002-ZON-009)

REFERRED TO:

REZONING ORDINANCE 55

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 562

ADOPTED: 05/20/2002

228 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 24, 3623 East Southport Road
(approximate address) (2002-ZON-027)

REFERRED TO:

REZONING ORDINANCE 48

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 514

ADOPTED: 04/29/2002

229 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Wayne Township, Councilmanic District 17, 2656, 2702, and 2706 South Holt
Road (approximate addresses) (2002-ZON-806)

REFERRED TO:

REZONING ORDINANCE 49

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 514

ADOPTED: 04/29/2002

230 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 11, 4825 North Arlington Avenue
(approximate address) (2002-ZON-807)

REFERRED TO:

REZONING ORDINANCE 50

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 514

ADOPTED: 04/29/2002

231 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 10, 4201 Massachusetts Avenue
(approximate address) (2002-ZON-808)

REFERRED TO:

REZONING ORDINANCE 51

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 514

ADOPTED: 04/29/2002

232 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 25, 51 West Raymond Street
(approximate address) (2002-ZON-809) (Amended)

REFERRED TO:

REZONING ORDINANCE 52

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 515

ADOPTED: 04/29/2002

233 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 25, 1301 Nordyke Avenue (approximate
address) (2002-ZON-814)

REFERRED TO:

REZONING ORDINANCE 53

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 515

ADOPTED: 04/29/2002

2002 Proposal Index

234 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 7, 6229-6235 Carrollton Avenue (approximate addresses) (2002-ZON-815)

REFERRED TO:

REZONING ORDINANCE 54

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 515

ADOPTED: 04/29/2002

235 SPONSORED BY: Councillors Short, Nytes, Black

DIGEST: recognizes the April 27, 2002, Rebuilding Together Indianapolis housing revitalization blitz

REFERRED TO:

SPECIAL RESOLUTION 34

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 556

ADOPTED: 05/20/2002

236 SPONSORED BY: Councillors Smith, Short

DIGEST: recognizes the 15th Anniversary of the Greek Islands Restaurant

REFERRED TO:

SPECIAL RESOLUTION 32

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 506

ADOPTED: 04/29/2002

237 SPONSORED BY: Councillors McWhirter, Boyd

DIGEST: approves an appropriation of \$54,000 in the 2002 Budget of the Office of Corporation Counsel (Consolidated County Fund) to add a staff attorney to provide legal representation to the Department of Waterworks as well as the Board of Waterworks, to be financed by revenues from the Department of Waterworks

REFERRED TO: Administration and Finance Committee

FISCAL ORDINANCE 46

APPROVED BY MAYOR: 06/13/2002

JOURNAL PAGE: 603

ADOPTED: 06/03/2002

238 SPONSORED BY: Councillors Langsford, Boyd, Nytes, Sanders

DIGEST: approves an appropriation of \$74,514 in the 2002 Budget of the Office of Corporation Counsel (Federal Grants Fund) to fund a Community Prosecutor and Paralegal to work in partnership with law enforcement and community groups on a full-time basis in order to enhance coordination between the City Prosecutor's Office, law enforcement and the community in addressing public safety and quality of life issues, financed by a federal grant

REFERRED TO: Administration and Finance Committee

FISCAL ORDINANCE 45

APPROVED BY MAYOR: 06/13/2002

JOURNAL PAGE: 601

ADOPTED: 06/03/2002

239 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$3,000 in the 2002 Budget of the County Sheriff (County Grants Fund) to purchase a laptop computer, data projector, and two portable projection screens, funded by a grant from the Target Corporation

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 47

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 604

ADOPTED: 06/03/2002

240 SPONSORED BY: Councillors Dowden, Soards

DIGEST: approves an increase of \$6,000 in the 2002 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to fund a Protective Order Intake Clerk for the period from 04/01/02 through 06/30/02, financed by a grant from the Indiana Criminal Justice Institute

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 48

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 605

ADOPTED: 06/03/2002

2002 Proposal Index

241 SPONSORED BY: Councillors Dowden, Soards

DIGEST: approves an increase of \$50,000 in the 2002 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to provide for contractual and consulting services for an Alternative Dispute Resolution, funded by a federal grant

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 90

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 719

ADOPTED: 08/26/2002

242 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$4,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (County Grants Fund) to fund a summer youth program, funded by a grant from the Indianapolis Foundation

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 49

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 606

ADOPTED: 06/03/2002

243 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: establishes that the City-County Council is interested in making the purchase of approximately 1.5 acres located at 1711 East 39th Street

REFERRED TO: Public Works Committee

GENERAL RESOLUTION 4

APPROVED BY MAYOR: 07/05/2002

JOURNAL PAGE: 629

ADOPTED: 06/24/2002

244 SPONSORED BY: Councillor Coughenour

DIGEST: reappoints Bernard O. Paul to the Air Pollution Control Board

REFERRED TO: Public Works Committee

COUNCIL RESOLUTION 68

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 617

ADOPTED: 06/24/2002

245 SPONSORED BY: Councillors Coonrod, Borst

DIGEST: appoints Ivan Wilson to the Common Construction Wage Committee for the City of Lawrence

REFERRED TO: Rules and Public Policy Committee

COUNCIL RESOLUTION 69

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 617

ADOPTED: 06/24/2002

246 SPONSORED BY: Councillors Smith, Schneider

DIGEST: amends the Revised Code relating to the citizens police complaint board

REFERRED TO: Public Safety and Criminal Justice Committee

GENERAL ORDINANCE 110

APPROVED BY MAYOR: 12/06/2002

JOURNAL PAGE: 1098

ADOPTED: 11/25/2002

247 SPONSORED BY: Councillors Horseman, Boyd, SerVaas

DIGEST: welcomes Mexican Consul, Honorable Sergio Aquilera, to Indianapolis

REFERRED TO:

SPECIAL RESOLUTION 31

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 554

ADOPTED: 05/20/2002

248 SPONSORED BY: Councillors Tilford, Langsford

DIGEST: recognizes the Warren Pride Cleanup Day when 1,265 people removed over 15 tons of trash

REFERRED TO:

SPECIAL RESOLUTION 33

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 555

ADOPTED: 05/20/2002

2002 Proposal Index

249 SPONSORED BY: Councillors Horseman, Sanders, Conley, Gibson

DIGEST: recognizes the June 21-22, 2002, African Unity Festival which is organized by African Community International, Inc.

REFERRED TO:

SPECIAL RESOLUTION 35

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 556

ADOPTED: 05/20/2002

250 SPONSORED BY: Councillors Coughenour, Smith

DIGEST: recognizes the Beech Grove Police Department for earning Accreditation status by the Commission on Accreditation for Law Enforcement Agencies

REFERRED TO:

SPECIAL RESOLUTION 36

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 557

ADOPTED: 05/20/2002

251 SPONSORED BY: Councillors Langsford, Gray, Horseman

DIGEST: recognizes Captain Dudley Taylor of the Indianapolis Fire Department for his initiative in promoting cryogenic technology with fire truck brakes

REFERRED TO:

SPECIAL RESOLUTION 37

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 558

ADOPTED: 05/20/2002

252 SPONSORED BY: Councillor Bradford

DIGEST: recognizes the Indiana School for the Blind Sidewalk Project

REFERRED TO:

SPECIAL RESOLUTION 38

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 559

ADOPTED: 05/20/2002

253 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 3, 9333 Haverway (approximate address) (2001-ZON-168)

REFERRED TO:

REZONING ORDINANCE 56

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 563

ADOPTED: 05/20/2002

254 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 10, 2502-2506 North Arlington Avenue (approximate addresses) (2002-ZON-016)

REFERRED TO:

REZONING ORDINANCE 57

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 563

ADOPTED: 05/20/2002

255 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Franklin Township, Councilmanic District 23, 5309 East Edgewood Avenue (approximate address) (2001-ZON-153)

REFERRED TO:

REZONING ORDINANCE 58

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 563

ADOPTED: 05/20/2002

2002 Proposal Index

256 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 25, 2025 West Southport Avenue
(approximate address) (2002-ZON-022)

REFERRED TO:

REZONING ORDINANCE 59

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 563

ADOPTED: 05/20/2002

257 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Wayne Township, Councilmanic District 16, 1062 North Sheffield Avenue
(approximate address) (2002-ZON-024)

REFERRED TO:

REZONING ORDINANCE 60

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 563

ADOPTED: 05/20/2002

258 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Wayne Township, Councilmanic District 16, 2447 West 14th Street (approximate
address) (2002-ZON-025)

REFERRED TO:

REZONING ORDINANCE 61

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 563

ADOPTED: 05/20/2002

259 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 5, 9411, 9415, and 9423 Pendleton
Pike and 9444 East 52nd Street (approximate addresses) (2002-ZON-028)

REFERRED TO:

REZONING ORDINANCE 62

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 563

ADOPTED: 05/20/2002

260 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 13, 5333 East Washington Street
(approximate address) (2002-ZON-031)

REFERRED TO:

REZONING ORDINANCE 63

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 563

ADOPTED: 05/20/2002

261 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Wayne Township, Councilmanic District 16, 1910 Bellevue Place (approximate
address) (2002-ZON-033)

REFERRED TO:

REZONING ORDINANCE 64

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 563

ADOPTED: 05/20/2002

262 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 25, 1735 West Edgewood Avenue
(approximate address) (2002-ZON-038)

REFERRED TO:

REZONING ORDINANCE 65

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 564

ADOPTED: 05/20/2002

2002 Proposal Index

263 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 20, 6006-6022 Madison Avenue (approximate addresses) (2002-ZON-803)

REFERRED TO:

REZONING ORDINANCE 66

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 564

ADOPTED: 05/20/2002

264 SPONSORED BY: Councillor Smith

DIGEST: an inducement resolution for Tomahawk Village Apartments (to be renamed Country Club Commons Apartments) in an amount not to exceed \$10,000,000 which project consists of the acquisition and rehabilitation of an existing 200-unit apartment complex located on an approximately 13.395 acre parcel of land at 7801 W. 10th Street (District 18)

REFERRED TO: Metropolitan Development Committee

SPECIAL RESOLUTION 41

APPROVED BY MAYOR: 06/12/2002

JOURNAL PAGE: 597

ADOPTED: 06/03/2002

265 SPONSORED BY: Councillors McWhirter, Horseman, Sanders, Soards, Boyd

DIGEST: amends various sections of Chapter 996 of the Revised Code regarding the regulations of the taxicab and limousine industries by the City

REFERRED TO: Administration and Finance Committee

GENERAL ORDINANCE 72

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 724

ADOPTED: 08/26/2002

266 SPONSORED BY: Councillors Cockrum, Douglas

DIGEST: approves certain public purpose grants totaling \$1,250,000 for the support of the arts

REFERRED TO: Parks and Recreation Committee

GENERAL RESOLUTION 3

APPROVED BY MAYOR: 06/13/2002

JOURNAL PAGE: 591

ADOPTED: 06/03/2002

267 SPONSORED BY: Councillors Dowden, Moriarty Adams, Smith, Soards, Talley

DIGEST: approves a re-appropriation of \$1,411,603 in the 2002 Budget of the Department of Public Safety, Police Division (Federal Grants and Police General Funds) for a variety of community policing initiatives, youth programs, and law enforcement equipment, financed by federal and local grants

REFERRED TO: Public Safety and Criminal Justice Committee

P.S.S.D.F.O. 2

APPROVED BY MAYOR: 07/05/2002

JOURNAL PAGE: 632

ADOPTED: 06/24/2002

268 SPONSORED BY: Councillors Dowden, Soards

DIGEST: approves a transfer of \$10,624 in the 2002 Budgets of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to provide salary support for the Metro Drug Task Force

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 57

APPROVED BY MAYOR: 07/05/2002

JOURNAL PAGE: 630

ADOPTED: 06/24/2002

269 SPONSORED BY: Councillors Dowden, Smith, Talley

DIGEST: approves an increase of \$3,000 in the 2002 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to provide salary support for an IVRP (Indianapolis Violence Reduction Partnership) coordinator, funded by a state grant

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 50

APPROVED BY MAYOR: 07/05/2002

JOURNAL PAGE: 623

ADOPTED: 06/24/2002

2002 Proposal Index

270 SPONSORED BY: Councillors Dowden, Smith, Talley

DIGEST: approves an increase of \$350,000 in the 2002 Budget of Community Corrections (Home Detention Fund) to compensate the County for the housing of felons in the Corrections Center Component, financed by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 51

APPROVED BY MAYOR: 07/05/2002

JOURNAL PAGE: 624

ADOPTED: 06/24/2002

271 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$316,142 in the 2002 Budget of Community Corrections (State and Federal Grants Fund) to appropriate carryover funds from FY 1999/2000 and FY 2000/2001 from adult and juvenile programs to compensate the County for the housing of felons in the Corrections Center Component

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 52

APPROVED BY MAYOR: 07/05/2002

JOURNAL PAGE: 625

ADOPTED: 06/24/2002

272 SPONSORED BY: Councillors Dowden, Smith, Talley

DIGEST: approves an increase of \$182,775 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) to provide funding for a mental health component, funded by a state grant (Indiana Department of Correction Community Corrections Grant Program)

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 53

APPROVED BY MAYOR: 07/05/2002

JOURNAL PAGE: 625

ADOPTED: 06/24/2002

273 SPONSORED BY: Councillors Dowden, Smith, Talley

DIGEST: approves an appropriation of \$22,792 in the 2002 Budget of Community Corrections (Home Detention Fund) to pay the rent and telephone expenses for an office at the Forest Manor Multi-Service Center, financed by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 54

APPROVED BY MAYOR: 07/05/2002

JOURNAL PAGE: 626

ADOPTED: 06/24/2002

274 SPONSORED BY: Councillors Talley, Soards

DIGEST: regulates the city's dog and cat populations through (1) the requirement of an annual registration for dogs and cats which are not spayed or neutered, (2) an increase in fines imposed for unaltered dogs and cats running at large, and (3) the establishment of a spay/neuter special projects fund

REFERRED TO: Public Safety and Criminal Justice Committee

GENERAL ORDINANCE

APPROVED BY MAYOR: / /

JOURNAL PAGE:

NO ACTION TAKEN IN 2002

275 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: approves an appropriation of \$755,000 in the 2002 Budget of the Department of Public Works, Operations Division (Consolidated County Fund) to fund the expansion of the Abandoned Vehicle Program to process vehicles from private property, financed by fund balances

REFERRED TO: Public Works Committee

FISCAL ORDINANCE 55

APPROVED BY MAYOR: 07/05/2002

JOURNAL PAGE: 627

ADOPTED: 06/24/2002

2002 Proposal Index

276 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: approves an increase of \$615,000 in the 2002 Budget of the Department of Public Works, Engineering Division (Storm Water Management Fund) to continue the stormwater billing system and finance a contract for account review services, financed by fund balances

REFERRED TO: Public Works Committee

FISCAL ORDINANCE 56

APPROVED BY MAYOR: 07/05/2002

JOURNAL PAGE: 628

ADOPTED: 06/24/2002

277 SPONSORED BY: Councillor Knox

DIGEST: authorizes a traffic signal for Airport Expressway, Bradbury Access, and Stout Field East Drive (District 17)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 71

APPROVED BY MAYOR: 07/05/2002

JOURNAL PAGE: 631

ADOPTED: 06/24/2002

278 SPONSORED BY: Councillors Horseman, Black, Brents, Conley, Nytes, Sanders, Gray

DIGEST: amends various sections of Chapter 291 of the Revised Code regarding employee health benefits

REFERRED TO: Rules and Public Policy Committee

GENERAL ORDINANCE

APPROVED BY MAYOR: / /

JOURNAL PAGE:

NO ACTION TAKEN IN 2002

279 SPONSORED BY: Councillors Horseman, Gray, Brents

DIGEST: remembers the life of Mary A. Artist

REFERRED TO:

SPECIAL RESOLUTION 39

APPROVED BY MAYOR: 06/13/2002

JOURNAL PAGE: 588

ADOPTED: 06/03/2002

280 SPONSORED BY: Councillors Horseman, Conley, Gibson, Sanders, Nytes

DIGEST: commends Doug Sword for his professional work as City Hall reporter for The Indianapolis Star

REFERRED TO:

SPECIAL RESOLUTION 40

APPROVED BY MAYOR: 06/13/2002

JOURNAL PAGE: 589

ADOPTED: 06/03/2002

281 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Pike Township, Councilmanic District 9, 4701 Georgetown Road (approximate address) (2002-ZON-810)

REFERRED TO:

REZONING ORDINANCE 67

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 596

ADOPTED: 06/03/2002

282 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 3, 2342 West 86th Street (approximate address) (2002-ZON-042)

REFERRED TO:

REZONING ORDINANCE 68

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 596

ADOPTED: 06/03/2002

2002 Proposal Index

283 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 501 North New Jersey Street (approximate address) (2002-ZON-043)

REFERRED TO:

REZONING ORDINANCE 69

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 596

ADOPTED: 06/03/2002

284 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Decatur Township, Councilmanic District 19, 3820 and 3850 South Foltz Street (approximate address) (2002-ZON-045)

REFERRED TO:

REZONING ORDINANCE 70

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 596

ADOPTED: 06/03/2002

285 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 13, 1260 North Post Road and 8850 Spoon Drive (approximate addresses) (2002-ZON-046) (2002-DP-003)

REFERRED TO:

REZONING ORDINANCE 71

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 597

ADOPTED: 06/03/2002

286 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 20, 501 Stover Avenue (approximate address) (2002-ZON-820)

REFERRED TO:

REZONING ORDINANCE 72

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 597

ADOPTED: 06/03/2002

287 SPONSORED BY: Councillor McWhirter

DIGEST: approves an increase of \$25,000 in the 2002 Budget of the Wayne Township Assessor (State and Federal Grants Fund) to pay for wall repair, painting, carpet and floor covering, funded by a Build Indiana Grant

REFERRED TO: Administration and Finance Committee

FISCAL ORDINANCE 68

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 662

ADOPTED: 07/22/2002

288 SPONSORED BY: Councillor McWhirter

DIGEST: approves an increase of \$2,032 in the 2002 Budget of the County Election Board (Campaign Finance Fines Fund) to fund mailings and manuals to publicize campaign finance requirements, financed by fund balances

REFERRED TO: Administration and Finance Committee

FISCAL ORDINANCE 69

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 662

ADOPTED: 07/22/2002

289 SPONSORED BY: Councillors McWhirter, Nytes

DIGEST: approves an appropriation of \$287,000 in the 2002 Budget of the Cable Communications Agency (Consolidated County Fund) to purchase replacement cameras and other related video equipment used by WCTY/Channel 16, financed by a PEG grant (Public Educational or Governmental Access Facilities)

REFERRED TO: Administration and Finance Committee

FISCAL ORDINANCE 70

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 663

ADOPTED: 07/22/2002

2002 Proposal Index

290 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$12,500 in the 2002 Budget of the Clerk of the Circuit Court (Clerk's Perpetuation Fund) to fund off-site storage of records and the electronic preservation of paternity and financial documents, financed by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 58

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 654

ADOPTED: 07/22/2002

291 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$20,500 in the 2002 Budget of the Clerk of the Circuit Court (Enhanced Access Fund) to fund the Small Claims Court judgement docket program into the JUSTIS system and the data entry of divorce index books into an electronic database, financed by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 59

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 655

ADOPTED: 07/22/2002

292 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$20,021 in the 2002 Budget of the Marion County Justice Agency and the County Auditor (State and Federal Grants Fund) to support the continuation of the Arrestee Drug Abuse Monitoring Program (ADAM), funded by a federal grant

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 60

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 655

ADOPTED: 07/22/2002

293 SPONSORED BY: Councillors Dowden, Soards

DIGEST: approves an increase of \$25,368 in the 2002 Budget of the Marion County Justice Agency (Law Enforcement Fund) to reimburse the County Sheriff for 151 bulletproof vests, financed by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 61

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 656

ADOPTED: 07/22/2002

294 SPONSORED BY: Councillor Dowden

DIGEST: approves a transfer of \$8,890 in the 2002 Budgets of the County Auditor and Marion County Justice Agency (State and Federal Grants Fund) to provide sufficient funding for fringes for the Metro Drug Task Force Grant for FY 2001/2002

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 66

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 659

ADOPTED: 07/22/2002

295 SPONSORED BY: Councillor Dowden

DIGEST: approves a transfer of \$102,024 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) to fund additional work release beds and day reporting slots

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 67

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 660

ADOPTED: 07/22/2002

296 SPONSORED BY: Councillors Dowden, Soards

DIGEST: approves an increase of \$25,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to continue funding for Child Advocates, Inc., funded by a grant from Indiana Criminal Justice Institute

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 62

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 657

ADOPTED: 07/22/2002

2002 Proposal Index

297 SPONSORED BY: Councillors Dowden, Moriarty Adams

DIGEST: approves an appropriation of \$4,039 in the 2002 Budget of the Department of Public Safety, Emergency Management and Planning Division (Federal Grants Fund) to purchase a fax machine, communication equipment for FCC compliance, and equipment for decontamination and hazardous material cleanup, financed by grants from the US Department of Justice

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 63

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 657

ADOPTED: 07/22/2002

298 SPONSORED BY: Councillors Dowden, Moriarty Adams

DIGEST: approves a transfer of \$136,400 in the 2002 Budget of the Department of Public Safety, Police Division (City Cumulative Capital Development Fund) to purchase supplies and accessories needed to outfit police vehicles

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 64

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 658

ADOPTED: 07/22/2002

299 SPONSORED BY: Councillors Dowden, Moriarty Adams

DIGEST: approves an appropriation of \$229,939 in the 2002 Budget of the Department of Public Safety, Fire Division (Federal Grants Fund) to pay the costs incurred in managing the FEMA-sponsored Marion County Urban Search and Rescue Task Force-1 and to reimburse the Task Force for the costs of their deployment to the 2002 Winter Olympics in Salt Lake City, Utah, financed by federal funds

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 65

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 659

ADOPTED: 07/22/2002

300 SPONSORED BY: Councillors Dowden, Talley

DIGEST: requests to fund MECA operations in calendar year 2003 with County Option Income Tax revenue in the amount of \$2,750,000

REFERRED TO: Public Safety and Criminal Justice Committee

SPECIAL ORDINANCE 4

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 661

ADOPTED: 07/22/2002

301 SPONSORED BY: Councillors Cockrum, Gray

DIGEST: approves a transfer and appropriation totaling \$1,001,402 in the 2002 Budget of the Department of Parks and Recreation (City Cumulative Capital Development Fund) to initiate several construction projects targeted for bid in the 2002 calendar year, financed by fund balance of 2001 unspent capital funds and a transfer between characters

REFERRED TO: Parks and Recreation Committee

FISCAL ORDINANCE 71

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 665

ADOPTED: 07/22/2002

302 SPONSORED BY: Councillors Langsford, Gray

DIGEST: approves an appropriation of \$235,000 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) to renovate the parking lot and path of travel to the Whispering Hills clubhouse and first tee to make the facility accessible and to adhere to universal design for accessibility, financed by fund balances

REFERRED TO: Parks and Recreation Committee

FISCAL ORDINANCE 72

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 666

ADOPTED: 07/22/2002

2002 Proposal Index

303 SPONSORED BY: Councillors Cockrum, Douglas

DIGEST: approves an appropriation of \$5,633,404 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) to fund architectural and engineering designs for six projects and for the construction of three projects, financed by a grant from Lilly Endowment, Inc. in 2001

REFERRED TO: Parks and Recreation Committee

FISCAL ORDINANCE 73

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 667

ADOPTED: 07/22/2002

304 SPONSORED BY: Councillors Massie, Gray

DIGEST: approves a re-appropriation of \$63,549 in the 2002 Budget of the Department of Parks and Recreation (State Grants Fund) to complete beautification of the Central Canal in the Broad Ripple area and for a HVAC project at Garfield Park, financed by grants from the Build Indiana Fund

REFERRED TO: Parks and Recreation Committee

FISCAL ORDINANCE 74

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 667

ADOPTED: 07/22/2002

305 SPONSORED BY: Councillors Cockrum, Nytes

DIGEST: approves an appropriation of \$33,916 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) to fund the following projects at Talbott and 29th Street Park: (1) to asphalt the brick driveway within the park, and (2) to purchase and install outdoor checkerboard tables, bleachers, and landscaping at the park, financed by a grant from Lilly Endowment

REFERRED TO: Parks and Recreation Committee

FISCAL ORDINANCE 75

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 668

ADOPTED: 07/22/2002

306 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: approves an appropriation of \$375,000 in the 2002 Budget of the Department of Public Works, Engineering Division (State Grants Fund) for the purchase of equipment for research and development purposes for Dow AgroSciences LLC, financed by an Industrial Development Grant from the Indiana Department of Commerce

REFERRED TO: Public Works Committee

FISCAL ORDINANCE 76

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 669

ADOPTED: 07/22/2002

307 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: approves an appropriation of \$108,942 in the 2002 Budget of the Department of Public Works, Engineering Division (Transportation General Fund) to complete infrastructure improvements near the downtown Eli Lilly & Company complex and other projects started in 2001, financed by a grant from Eli Lilly and Company

REFERRED TO: Public Works Committee

FISCAL ORDINANCE 77

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 670

ADOPTED: 07/22/2002

308 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: approves the Sanitary District Note Resolution and the issuance of Sanitary District Notes payable from proceeds of bonds of the Sanitary District in an amount not to exceed \$15 million; and approves the Stormwater District Note Resolution and the issuance of Stormwater District Notes payable from proceeds of bonds of the Stormwater District in an amount not to exceed \$15 million

REFERRED TO: Public Works Committee

SPECIAL RESOLUTION 49

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 671

ADOPTED: 07/22/2002

2002 Proposal Index

309 SPONSORED BY: Councillor Massie

DIGEST: seeks renewal of authorization and approval for Marion County Treasurer and City Controller to invest public funds in money-market mutual funds

REFERRED TO: Administration and Finance Committee

SPECIAL RESOLUTION 48

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 664

ADOPTED: 07/22/2002

310 SPONSORED BY: Councillors Nytes, Boyd, Gibson

DIGEST: appoints Gary A. Gibson to the Equal Opportunity Advisory Board

REFERRED TO: Administration and Finance Committee

COUNCIL RESOLUTION 71

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 643

ADOPTED: 07/22/2002

311 SPONSORED BY: Councillor Coughenour

DIGEST: recognizes long time University of Indianapolis WICR Radio, General Manager Edward (Ed) Roehling

REFERRED TO:

SPECIAL RESOLUTION 42

APPROVED BY MAYOR: 07/05/2002

JOURNAL PAGE: 611

ADOPTED: 06/24/2002

312 SPONSORED BY: Councillors Nytes, Conley

DIGEST: recognizes Prince Julius Adeniyi as Indiana's first Young Audiences National Artist of the Year

REFERRED TO:

SPECIAL RESOLUTION 43

APPROVED BY MAYOR: 07/05/2002

JOURNAL PAGE: 612

ADOPTED: 06/24/2002

313 SPONSORED BY: Councillors Bradford, SerVaas, Coughenour, Cockrum

DIGEST: recognizes the Indy Parks Greenways latest awards, and National Recreational Trails designation by the National Park Service

REFERRED TO:

SPECIAL RESOLUTION 44

APPROVED BY MAYOR: 07/05/2002

JOURNAL PAGE: 613

ADOPTED: 06/24/2002

314 SPONSORED BY: Councillors Borst, Tilford, Massie

DIGEST: concerns the IndyGo Bus Company

REFERRED TO:

COUNCIL RESOLUTION 66

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 616

ADOPTED: 06/24/2002

315 SPONSORED BY: Councillors McWhirter, Smith

DIGEST: appoints Judy Stanley to the Indianapolis City Market Corporation Board of Directors

REFERRED TO: Metropolitan Development Committee

COUNCIL RESOLUTION 72

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 643

ADOPTED: 07/22/2002

316 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 2141-2147 and 2162-2172 North Talbott (approximate address) (2002-ZON-001)

REFERRED TO:

REZONING ORDINANCE 73

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 621

ADOPTED: 06/24/2002

2002 Proposal Index

317 SPONSORED BY: Councillor Smith

DIGEST: proposes to rezone 9.928 acres at 3096 West 62nd Street in Pike Township, Councilmanic District 1, being in the D-A and SU-1 Districts to a D-4 classification to provide for residential development (2002-ZON-029 [Amended])

REFERRED TO:

REZONING ORDINANCE 96

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 653

ADOPTED: 07/22/2002

318 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 113 East 22nd Street (approximate address) (2002-ZON-035)

REFERRED TO:

REZONING ORDINANCE 74

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 621

ADOPTED: 06/24/2002

319 SPONSORED BY: Councillor

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 13, 7824 Brookville Road (approximate address) (2002-ZON-036)

REFERRED TO:

REZONING ORDINANCE 75

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 621

ADOPTED: 06/24/2002

320 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 13, 7823 Brookville Road (approximate address) (2002-ZON-037)

REFERRED TO:

REZONING ORDINANCE 76

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 622

ADOPTED: 06/24/2002

321 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Wayne Township, Councilmanic District 9, 3354 West 30th Street (approximate address) (2002-ZON-047)

REFERRED TO:

REZONING ORDINANCE 77

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 622

ADOPTED: 06/24/2002

322 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Wayne Township, Councilmanic District 16, 2500 Cold Spring Road (approximate address) (2002-ZON-049)

REFERRED TO:

REZONING ORDINANCE 78

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 622

ADOPTED: 06/24/2002

323 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 20, 5220 Madison Avenue (approximate address) (2002-ZON-055)

REFERRED TO:

REZONING ORDINANCE 79

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 622

ADOPTED: 06/24/2002

2002 Proposal Index

324 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 424 East Wabash Street (approximate address) (2002-ZON-056)

REFERRED TO:

REZONING ORDINANCE 80

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 622

ADOPTED: 06/24/2002

325 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Wayne Township, Councilmanic District 9, 962 and 970 West 30th Street (approximate address) (2002-ZON-059)

REFERRED TO:

REZONING ORDINANCE 81

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 622

ADOPTED: 06/24/2002

326 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Wayne Township, Councilmanic District 18, 6420 Rockville Road (approximate address) (2002-ZON-066) (2002-DP-004)

REFERRED TO:

REZONING ORDINANCE 82

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 622

ADOPTED: 06/24/2002

327 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 16, 3510 West 10th Street (approximate address) (2002-ZON-080)

REFERRED TO:

REZONING ORDINANCE 83

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 622

ADOPTED: 06/24/2002

328 SPONSORED BY: Councillor Smith

DIGEST: a final resolution and public hearing for Herman Associates, Inc. in an amount not to exceed \$14,000,000 which project consists of the rehabilitation of a 344-unit pre-existing apartment complex on an approximately 22.04 acre parcel of real estate located at 3215 North Alton Avenue (District 9)

REFERRED TO: Metropolitan Development Committee

SPECIAL ORDINANCE 3

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 650

ADOPTED: 07/22/2002

329 SPONSORED BY: Councillor Smith

DIGEST: a final resolution and public hearing for Pleasant Run Apartments not to exceed \$13,000,000 which project consists of the acquisition and rehabilitation of a 252-unit apartment complex on an approximately 16 acre parcel of land located at 1366 North Arlington Avenue (District 12)

REFERRED TO: Metropolitan Development Committee

SPECIAL ORDINANCE 5

APPROVED BY MAYOR: 08/16/2002

JOURNAL PAGE: 700

ADOPTED: 08/05/2002

330 SPONSORED BY: Councillor Smith

DIGEST: an inducement resolution for Orchard Park Apartments in an amount not to exceed \$2,300,000 which project consists of the acquisition and rehabilitation of the existing 94-unit, apartment complex on an approximately 6.784 acre parcel of real estate located at 3102 North Baltimore (District 11)

REFERRED TO: Metropolitan Development Committee

SPECIAL RESOLUTION 51

APPROVED BY MAYOR: 08/16/2002

JOURNAL PAGE: 704

ADOPTED: 08/05/2002

2002 Proposal Index

331 SPONSORED BY: Councillor Borst

DIGEST: approves an appropriation of \$166,790 in the 2002 Budget of the City-County Council (Consolidated County Fund) to reappropriate funds spent on the review and analysis of the City's purchase of the Indianapolis Water Co., funded by fund balances

REFERRED TO: Administration and Finance Committee

FISCAL ORDINANCE 78

APPROVED BY MAYOR: 08/16/2002

JOURNAL PAGE: 691

ADOPTED: 08/05/2002

332 SPONSORED BY: Councillors Sanders, Tilford

DIGEST: approves an appropriation of \$70,000 in the 2002 Budget of the Department of Administration, Fleet Services Division (Federal Grants Fund) to install a 5000 gallon above ground fuel tank, with canopy, at 1736 S. West Street, to dispense ethanol (E85) fuel, financed by a federal grant

REFERRED TO: Administration and Finance Committee

FISCAL ORDINANCE 79

APPROVED BY MAYOR: 08/16/2002

JOURNAL PAGE: 692

ADOPTED: 08/05/2002

333 SPONSORED BY: Councillors Coughenour, Nytes

DIGEST: approves an appropriation of \$12,000 in the 2002 Budget of the Office of the Controller (Landmark Building Preservation Fund) to cover the cost of installing windows in the East Building of the City Market Building that are not covered by a \$10,000 grant received by the City Market Board, financed by fund balances

REFERRED TO: Administration and Finance Committee

FISCAL ORDINANCE 80

APPROVED BY MAYOR: 08/16/2002

JOURNAL PAGE: 692

ADOPTED: 08/05/2002

334 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$225,000 in the 2002 Budget of the County Auditor (Cumulative Capital Fund) funded by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 81

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 694

ADOPTED: 08/05/2002

335 SPONSORED BY: Councillor Dowden

DIGEST: approves a transfer of \$225,000 in the 2002 Budgets of the County Auditor, Prosecuting Attorney, and Community Corrections (County General Fund) to fully staff D-Felony level courts in parity with the Public Defender and increase the capacity of the Annex from 280 to 340 inmates, financed by a transfer from the County Auditor

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 82

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 695

ADOPTED: 08/05/2002

336 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$201,249 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) to expand the capacity of the current Community Transition Program, funded by a state grant

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 83

APPROVED BY MAYOR: 08/16/2002

JOURNAL PAGE: 695

ADOPTED: 08/05/2002

2002 Proposal Index

337 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$107,006 in the 2002 Budgets of the County Auditor and Community Corrections (Home Detention User Fee Fund) for additional staff due to the enormous growth in the Community Transition and Day Reporting Programs, and also due to jail overcrowding, financed by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 84

APPROVED BY MAYOR: 08/16/2002

JOURNAL PAGE: 696

ADOPTED: 08/05/2002

338 SPONSORED BY: Councillors Dowden, Moriarty Adams

DIGEST: approves an appropriation of \$53,600 in the 2002 Budget of the Department of Public Safety, Emergency Management and Planning Division (Consolidated County Fund) to fund one new position for volunteer coordination during emergencies, financed by grants from the American Red Cross and the State Emergency Management Agency

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 85

APPROVED BY MAYOR: 08/16/2002

JOURNAL PAGE: 697

ADOPTED: 08/05/2002

339 SPONSORED BY: Councillors Moriarty Adams, Soards

DIGEST: approves an appropriation of \$14,195 in the 2002 Budget of the Department of Public Safety, Police Division (Consolidated County Fund) to fund one new position to complete the physical registration process for all sex offenders required to register in Marion County, maintain the sex offender database for the City and County, and disseminate information regarding the registry, as required by IC 36-2-13-5.5, financed by partial reimbursement from the Marion County Sheriff's Department, and by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 86

APPROVED BY MAYOR: 08/16/2002

JOURNAL PAGE: 698

ADOPTED: 08/05/2002

340 SPONSORED BY: Councillors Cockrum, Soards

DIGEST: approves a reappropriation of \$250,000 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) as partial funding for the purchase of 101 acres of the Mann Property, to be used for additional recreational facilities with direct access to the White River in Decatur Township, financed by fund balances

REFERRED TO: Parks and Recreation Committee

FISCAL ORDINANCE 87

APPROVED BY MAYOR: 08/16/2002

JOURNAL PAGE: 699

ADOPTED: 08/05/2002

341 SPONSORED BY: Councillor Nytes

DIGEST: requires that proposals for fiscal ordinances, other than those funded by a grant with no matching funds, must include both the previous year's closing fund balance and a projection of the current year's ending fund balance

REFERRED TO: Rules and Public Policy Committee

GENERAL ORDINANCE 94

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1013

ADOPTED: 10/28/2002

342 SPONSORED BY: Councillor

DIGEST: approves the schedules of ordinance violations for the Town of Cumberland

REFERRED TO: Rules and Public Policy Committee

GENERAL RESOLUTION 5

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 733

ADOPTED: 08/26/2002

2002 Proposal Index

343 SPONSORED BY: Councillor Borst

DIGEST: fixes the annual compensation of all elected officials and all appointed officers, deputies and employees of the Consolidated City and Marion County, and establishes budgetary procedures for amending compensation restrictions

REFERRED TO: Administration and Finance Committee

GENERAL ORDINANCE 73

Parts of Exhibit A will be referred to Metropolitan Development, Parks & Recreation, Public Safety & Criminal Justice, and Public Works Committees

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 734

ADOPTED: 08/26/2002

344 SPONSORED BY: Councillor Langsford

DIGEST: authorizes intersection controls for Alice Avenue and Peach Tree Lane; and at Alice Avenue and Strawberry Lane (District 13)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 74

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 742

ADOPTED: 08/26/2002

345 SPONSORED BY: Councillor Brents

DIGEST: authorizes intersection controls for Crystal Drive and Halifax Drive (District 16)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 75

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 743

ADOPTED: 08/26/2002

346 SPONSORED BY: Councillor Brents

DIGEST: authorizes a multi-way stop at 12th Street and Brooks Street (District 16)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 76

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 743

ADOPTED: 08/26/2002

347 SPONSORED BY: Councillor McWhirter

DIGEST: authorizes the removal of the multi-way stop at 11th Street and Eleanor Street (District 18)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 77

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 744

ADOPTED: 08/26/2002

348 SPONSORED BY: Councillor Soards

DIGEST: authorizes the removal of the multi-way stop at Hunters Green Place and Hunters Green Way (District 1)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 78

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 744

ADOPTED: 08/26/2002

349 SPONSORED BY: Councillor Soards

DIGEST: authorizes parking restrictions on Gateway Drive between Glen Arm Road and High School Road; and on Westhaven Drive between Glen Arm Road and High School Road (District 1)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 79

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 745

ADOPTED: 08/26/2002

2002 Proposal Index

350 SPONSORED BY: Councillor Coughenour

DIGEST: authorizes a change in parking restrictions on Rural Street between Carson Avenue and Hanna Avenue (District 24)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 80

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 745

ADOPTED: 08/26/2002

351 SPONSORED BY: Councillor Brents

DIGEST: authorizes a change in parking restrictions on Limestone Street between New York Street and Michigan Street (District 16)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 81

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 745

ADOPTED: 08/26/2002

352 SPONSORED BY: Councillor Brents

DIGEST: authorizes a change in parking restrictions on East Street between Georgia Street and Pearl Street (District 16)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 82

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 746

ADOPTED: 08/26/2002

353 SPONSORED BY: Councillor Short

DIGEST: authorizes a weight limit restriction on Hamilton Avenue between English Avenue and Southeastern Avenue (District 21)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 83

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 747

ADOPTED: 08/26/2002

354 SPONSORED BY: Councillors Brents, Borst

DIGEST: authorizes the removal of parking meters on Senate Avenue between South Street and the RCA Dome (District 16)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE

APPROVED BY MAYOR: / /

JOURNAL PAGE:

WITHDRAWN

355 SPONSORED BY: Councillor Coughenour

DIGEST: appoints Bruce B. Melchert to the Indianapolis City Market Corporation Board of Directors

REFERRED TO: Metropolitan Development Committee

COUNCIL RESOLUTION 73

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 684

ADOPTED: 08/05/2002

356 SPONSORED BY: Councillor Dowden

DIGEST: reappoints Jon M. Bailey to the Marion County Public Defender Board

REFERRED TO: Public Safety and Criminal Justice Committee

COUNCIL RESOLUTION 74

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 684

ADOPTED: 08/05/2002

357 SPONSORED BY: Councillor Dowden

DIGEST: reappoints Virginia Dill McCarty to the Marion County Public Defender Board

REFERRED TO: Public Safety and Criminal Justice Committee

COUNCIL RESOLUTION 75

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 685

ADOPTED: 08/05/2002

2002 Proposal Index

358 SPONSORED BY: Councillors Bradford, Schneider, Dowden, Coonrod, Tilford, Smith, Massie, Borst, Soards
DIGEST: declares the Indianapolis City-County Council's support of the Pledge of Allegiance

REFERRED TO: COUNCIL RESOLUTION 70
APPROVED BY MAYOR: Not Req. JOURNAL PAGE: 642 ADOPTED: 07/22/2002

359 SPONSORED BY: Councillor Bradford

DIGEST: recognizes National Spelling Bee contestant Trevor Leslie

REFERRED TO: SPECIAL RESOLUTION 45
APPROVED BY MAYOR: 08/02/2002 JOURNAL PAGE: 640 ADOPTED: 07/22/2002

360 SPONSORED BY: Councillor Boyd

DIGEST: recognizes the high school graduating seniors of the Mayor's Youth Council

REFERRED TO: SPECIAL RESOLUTION 46
APPROVED BY MAYOR: 08/02/2002 JOURNAL PAGE: 640 ADOPTED: 07/22/2002

361 SPONSORED BY: Councillor Talley

DIGEST: recognizes Laura M. A. Moore Smith

REFERRED TO: SPECIAL RESOLUTION 47
APPROVED BY MAYOR: 08/02/2002 JOURNAL PAGE: 641 ADOPTED: 07/22/2002

362 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 20, 5700 Madison Avenue (approximate address) (2002-ZON-019)

REFERRED TO: REZONING ORDINANCE 84
APPROVED BY MAYOR: Not Req. JOURNAL PAGE: 648 ADOPTED: 07/22/2002

363 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 13, 140 and 203 South Audubon Road (approximate address) (2002-ZON-821)

REFERRED TO: REZONING ORDINANCE 85
APPROVED BY MAYOR: Not Req. JOURNAL PAGE: 648 ADOPTED: 07/22/2002

364 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 25, 5722 South Harding Street (approximate address) (2002-ZON-041)

REFERRED TO: REZONING ORDINANCE 86
APPROVED BY MAYOR: Not Req. JOURNAL PAGE: 648 ADOPTED: 07/22/2002

365 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 24, 89 North 17th Avenue and 1600, 1616, 1618, and 1624 West Main Street (approximate address), Beech Grove (2002-ZON-050)

REFERRED TO: REZONING ORDINANCE 87
APPROVED BY MAYOR: Not Req. JOURNAL PAGE: 648 ADOPTED: 07/22/2002

2002 Proposal Index

366 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Wayne Township, Councilmanic District 19, 1650 South Girls School Road (approximate address) (2002-ZON-065)

REFERRED TO:

REZONING ORDINANCE 88

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 648

ADOPTED: 07/22/2002

367 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 5, 6283 Oaklandon Road (approximate address) (2002-ZON-068)

REFERRED TO:

REZONING ORDINANCE 89

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 648

ADOPTED: 07/22/2002

368 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 16, 529, 533, 537, 541, 544, 545, 548, 549, 553, 554, 556, and 560 West 30th Street and 3011 California Street (approximate address) (2002-ZON-070)

REFERRED TO:

REZONING ORDINANCE 90

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 648

ADOPTED: 07/22/2002

369 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 20, 2635-2751 South East Street (approximate address) (2002-ZON-074)

REFERRED TO:

REZONING ORDINANCE 91

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 648

ADOPTED: 07/22/2002

370 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 10, 2111, 2135, and 2137 North Kitley Avenue (approximate address) (2002-ZON-075)

REFERRED TO:

REZONING ORDINANCE 92

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 649

ADOPTED: 07/22/2002

371 SPONSORED BY: Councillor Smith

DIGEST: proposes to rezone 120.56 acres at 1419 Bade Road in Warren Township, Councilmanic District 13, being in the D-A (FW)(FF) District, to the D-2 (FW)(FF) classification to provide for a single-family residential development (2002-ZON-005)

REFERRED TO:

REZONING ORDINANCE 110

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 716

ADOPTED: 08/26/2002

372 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Franklin Township, Councilmanic District 23, 8235 South Franklin Road (approximate address) (2002-ZON-051)

REFERRED TO:

REZONING ORDINANCE 93

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 649

ADOPTED: 07/22/2002

2002 Proposal Index

373 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 20, 7117 South US 31 (approximate address) (2002-ZON-052)

REFERRED TO:

REZONING ORDINANCE 94

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 648

ADOPTED: 07/22/2002

374 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 25, 450 East Epler Avenue (approximate address) (2002-ZON-079)

REFERRED TO:

REZONING ORDINANCE 95

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 648

ADOPTED: 07/22/2002

375 SPONSORED BY: Councillors McWhirter, Nytes

DIGEST: approves a public purpose grant in the amount of \$35,000 to Indiana Reading and Information Services to provide radio reading programs for the blind and print disabled in Marion County

REFERRED TO: Administration and Finance Committee

SPECIAL RESOLUTION 55

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 739

ADOPTED: 08/26/2002

376 SPONSORED BY: Councillors McWhirter, Nytes

DIGEST: approves a public purpose grant in the amount of \$50,000 to Indiana University for the purpose of financing educational access programming on the educational access channels of the franchised cable systems in Marion County

REFERRED TO: Administration and Finance Committee

SPECIAL RESOLUTION 56

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 740

ADOPTED: 08/26/2002

377 SPONSORED BY: Councillors McWhirter, Nytes

DIGEST: approves a public purpose grant in the amount of \$150,000 to Indiana University for the purpose of purchasing playback equipment used in providing programming on the educational access channels of the franchised cable systems in Marion County

REFERRED TO: Administration and Finance Committee

SPECIAL RESOLUTION 57

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 740

ADOPTED: 08/26/2002

378 SPONSORED BY: Councillors Cockrum, Douglas

DIGEST: approves an appropriation of \$105,300 in the 2002 Budget of the Department of Parks and Recreation (Federal Grants Fund) to serve 40,000 - 45,000 lunches to needy children at 24 sites in Indianapolis (Summer Lunch Program), financed by a U.S. Department of Agriculture grant

REFERRED TO: Parks and Recreation Committee

FISCAL ORDINANCE 91

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 721

ADOPTED: 08/26/2002

379 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$200,000 in the 2002 Budgets of the County Auditor and Prosecuting Attorney (State and Federal Grants Fund) to provide funding for the Street Level Advocate unit for salaries, professional development, public relations and community outreach, funded by a federal grant

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 88

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 720

ADOPTED: 08/26/2002

2002 Proposal Index

380 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$465,000 in the 2002 Budgets of the County Auditor and Prosecuting Attorney (State and Federal Grants Fund) to appropriate Marion County Prosecutor Office's share of Block Grant #6 funds to be used to support the Street Level Advocate's salaries and fringes

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 89

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 720

ADOPTED: 08/26/2002

381 SPONSORED BY: Councillors Boyd, Short, Moriarty Adams, Talley, Douglas

DIGEST: expands the police special service district to include all the territory of the Consolidated City, and to create an "old city limits district" comprised of the territory of the former police special service district, and to make corresponding technical amendments to numerous provisions of the Revised Code

REFERRED TO: Rules and Public Policy Committee

GENERAL ORDINANCE

APPROVED BY MAYOR: / /

JOURNAL PAGE: 984

STRICKEN: 10/07/2000

382 SPONSORED BY: Councillors Gray, Soards

DIGEST: determines the need to lease office space at 4460 Guion Road for the Reserves of the Sheriff's Department

REFERRED TO: Administration and Finance Committee

SPECIAL RESOLUTION 58

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 741

ADOPTED: 08/26/2002

383 SPONSORED BY: Councillor Knox

DIGEST: authorizes a multi-way stop at Howard Street and Reisner Street (District 17)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 84

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 747

ADOPTED: 08/26/2002

384 SPONSORED BY: Councillor McWhirter

DIGEST: authorizes a multi-way stop at Louise Avenue and Pinecrest Road (District 18)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 85

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 748

ADOPTED: 08/26/2002

385 SPONSORED BY: Councillor Nytes

DIGEST: authorizes a multi-way stop at 17th Street, Coyner Avenue, and Tacoma Avenue (District 22)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 86

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 748

ADOPTED: 08/26/2002

386 SPONSORED BY: Councillor Nytes

DIGEST: authorizes a multi-way stop at 20th Street and Alabama Street (District 22)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 87

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 749

ADOPTED: 08/26/2002

2002 Proposal Index

387 SPONSORED BY: Councillor Gray

DIGEST: authorizes intersection controls at Guion Lakes Drive, Guion Lakes Terrace, and Lakefield Drive; at Guion Lakes Drive, Lakefield Court, and Lakefield Trace; and at Guion Lakes Drive and 59th Street (District 9)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 88

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 749

ADOPTED: 08/26/2002

388 SPONSORED BY: Councillor Brents

DIGEST: authorizes a multi-way stop at 20th Street and Centennial Street (District 16)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 89

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 750

ADOPTED: 08/26/2002

389 SPONSORED BY: Councillor Brents

DIGEST: authorizes a change in parking restrictions on the east side of Virginia Avenue between Lexington Avenue and South Street (District 16)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 90

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 751

ADOPTED: 08/26/2002

390 SPONSORED BY: Councillor Brents

DIGEST: authorizes parking restrictions on the east side of Capital Avenue from New York Street to Vermont Street (District 16)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 91

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 751

ADOPTED: 08/26/2002

391 SPONSORED BY: Councillor Sanders

DIGEST: honors Dr. Kenneth Ossip on the 50th Anniversary of Ossip Optometry and Ophthalmology

REFERRED TO:

SPECIAL RESOLUTION 50

APPROVED BY MAYOR: 08/16/2002

JOURNAL PAGE: 683

ADOPTED: 08/05/2002

392 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 20, 7030 South East Street (approximate address) (2002-ZON-034) (Amended)

REFERRED TO:

REZONING ORDINANCE 97

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 689

ADOPTED: 08/05/2002

393 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 4, 7202 East 82nd Street (approximate address) (2002-ZON-062)

REFERRED TO:

REZONING ORDINANCE 98

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 689

ADOPTED: 08/05/2002

2002 Proposal Index

394 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Franklin Township, Councilmanic District 23, 6920 East Stop 11 Road
(approximate address) (2002-ZON-067)

REFERRED TO:

REZONING ORDINANCE 99

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 689

ADOPTED: 08/05/2002

395 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 6, 5000 North Keystone Avenue
(approximate address) (2002-ZON-071)

REFERRED TO:

REZONING ORDINANCE 100

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 689

ADOPTED: 08/05/2002

396 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 24, 3639 South Keystone Avenue
(approximate address) (2002-ZON-076)

REFERRED TO:

REZONING ORDINANCE 101

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 689

ADOPTED: 08/05/2002

397 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 16, 411 South West Street (approximate
address) (2002-ZON-088)

REFERRED TO:

REZONING ORDINANCE 102

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 689

ADOPTED: 08/05/2002

398 SPONSORED BY: Councillors Dowden, Boyd, Moriarty Adams

DIGEST: the annual budget for the Police Special Service District for 2003

REFERRED TO: Public Safety and Criminal Justice Committee

P.S.S.D.F.O. 3

APPROVED BY MAYOR: 09/27/2002

JOURNAL PAGE: 931

ADOPTED: 09/16/2002

399 SPONSORED BY: Councillors Dowden, Boyd, Moriarty Adams

DIGEST: the annual budget for the Fire Special Service District for 2003

REFERRED TO: Public Safety and Criminal Justice Committee

F.S.S.D.F.O. 4

APPROVED BY MAYOR: 09/27/2002

JOURNAL PAGE: 939

ADOPTED: 09/16/2002

400 SPONSORED BY: Councillors Coughenour, Boyd, Moriarty Adams

DIGEST: the annual budget for the Solid Waste Collection Special Service District for 2003

REFERRED TO: Public Works Committee

S.W.C.S.S.D.F.O. 2

APPROVED BY MAYOR: 09/27/2002

JOURNAL PAGE: 944

ADOPTED: 09/16/2002

2002 Proposal Index

401 SPONSORED BY: Councillors Borst, Boyd

DIGEST: the annual budget for 2003 for the Consolidated City and appropriates the amounts set forth herein for the purposes specified

REFERRED TO: Administration & Finance, Metropolitan Development, Parks & Recreation, Public Safety & Criminal Justice, and Public Works Committees FISCAL ORDINANCE 99

APPROVED BY MAYOR: 09/27/2002 JOURNAL PAGE: 856 ADOPTED: 09/16/2002

402 SPONSORED BY: Councillor Borst

DIGEST: the annual budget for 2003 for certain constitutional officers of Marion County and appropriates the amounts set forth herein for the purposes specified

REFERRED TO: Administration and Finance Committee FISCAL ORDINANCE 96

APPROVED BY MAYOR: 09/27/2002 JOURNAL PAGE: 839 ADOPTED: 09/16/2002

403 SPONSORED BY: Councillor Dowden

DIGEST: the annual budget for 2003 for certain Marion County judicial and law enforcement agencies and appropriates the amounts set forth herein for the purposes specified

REFERRED TO: Public Safety and Criminal Justice Committee FISCAL ORDINANCE 97

APPROVED BY MAYOR: 09/27/2002 JOURNAL PAGE: 844 ADOPTED: 09/16/2002

404 SPONSORED BY: Councillor Borst

DIGEST: the annual budget for 2003 for certain county agencies and appropriates the amounts set forth herein for the purposes specified

REFERRED TO: Administration & Finance and Community Affairs Committees FISCAL ORDINANCE 98

APPROVED BY MAYOR: 09/27/2002 JOURNAL PAGE: 850 ADOPTED: 09/16/2002

405 SPONSORED BY: Councillor Dowden

DIGEST: the annual budget for the Metropolitan Emergency Communications Agency for 2003

REFERRED TO: Public Safety and Criminal Justice Committee FISCAL ORDINANCE 92

APPROVED BY MAYOR: 09/27/2002 JOURNAL PAGE: 787 ADOPTED: 09/16/2002

406 SPONSORED BY: Councillors Borst, Boyd

DIGEST: appropriates the amounts necessary for payments for city sinking funds for the calendar year 2003

REFERRED TO: Administration and Finance Committee FISCAL ORDINANCE 93

APPROVED BY MAYOR: 09/27/2002 JOURNAL PAGE: 794 ADOPTED: 09/16/2002

407 SPONSORED BY: Councillors Borst, Boyd

DIGEST: appropriates the amounts necessary for payments from the Revenue Bonds Debt Service Funds for 2003

REFERRED TO: Administration and Finance Committee FISCAL ORDINANCE 94

APPROVED BY MAYOR: 09/27/2002 JOURNAL PAGE: 795 ADOPTED: 09/16/2002

408 SPONSORED BY: Councillor Borst

DIGEST: allocates certain miscellaneous revenues of the Consolidated City and Marion County to respective funds

REFERRED TO: Administration and Finance Committee FISCAL ORDINANCE 100

APPROVED BY MAYOR: 09/27/2002 JOURNAL PAGE: 870 ADOPTED: 09/16/2002

2002 Proposal Index

409 SPONSORED BY: Councillor Bradford

DIGEST: the annual budget for the Marion County Office of Family and Children for 2003

REFERRED TO: Community Affairs Committee

FISCAL ORDINANCE 95

APPROVED BY MAYOR: 09/27/2002

JOURNAL PAGE: 809

ADOPTED: 09/16/2002

410 SPONSORED BY: Councillors Borst, Boyd

DIGEST: determines the tax levy for 2003 for each fund of the Consolidated City and Marion County

REFERRED TO: Administration & Finance, Metropolitan Development, Parks & Recreation, Public Safety & Criminal Justice, and Public Works Committees

FISCAL ORDINANCE 101

APPROVED BY MAYOR: 09/27/2002

JOURNAL PAGE: 886

ADOPTED: 09/16/2002

411 SPONSORED BY: Councillors Borst, Boyd

DIGEST: authorizes the payment of certain dues for the city and county offices and agencies

REFERRED TO: Administration & Finance, Metropolitan Development, Parks & Recreation, Public Safety & Criminal Justice, and Public Works Committees

FISCAL ORDINANCE 102

APPROVED BY MAYOR: 09/27/2002

JOURNAL PAGE: 919

ADOPTED: 09/16/2002

412 SPONSORED BY: Councillor Tilford

DIGEST: reviews, modifies, and approves the operating and maintenance budget and tax levies of the Indianapolis Airport Authority District

REFERRED TO: Municipal Corporations Committee

GENERAL RESOLUTION 6

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 816

ADOPTED: 09/16/2002

413 SPONSORED BY: Councillor Tilford

DIGEST: reviews, modifies, and approves the operating and maintenance budget and tax levies of the Capital Improvement Board of Managers of Marion County

REFERRED TO: Municipal Corporations Committee

GENERAL RESOLUTION 7

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 819

ADOPTED: 09/16/2002

414 SPONSORED BY: Councillor Tilford

DIGEST: reviews, modifies, and approves the operating and maintenance budget and tax levies of the Health and Hospital Corporation of Marion County

REFERRED TO: Municipal Corporations Committee

GENERAL RESOLUTION 8

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 822

ADOPTED: 09/16/2002

415 SPONSORED BY: Councillor Tilford

DIGEST: reviews, modifies, and approves the operating and maintenance budget and tax levies of the Indianapolis-Marion County Public Library Board

REFERRED TO: Municipal Corporations Committee

GENERAL RESOLUTION 9

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 829

ADOPTED: 09/16/2002

2002 Proposal Index

416 SPONSORED BY: Councillor Tilford

DIGEST: reviews, modifies, and approves the operating and maintenance budget and tax levies of the Indianapolis Public Transportation Corporation

REFERRED TO: Municipal Corporations Committee

GENERAL RESOLUTION 10

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 832

ADOPTED: 09/16/2002

417 SPONSORED BY: Councillor McWhirter

DIGEST: appoints William M. Matthews to the Information Technology Board

REFERRED TO: Administration and Finance Committee

COUNCIL RESOLUTION 77

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 781

ADOPTED: 09/16/2002

418 SPONSORED BY: Councillor Langsford

DIGEST: approves a transfer of \$37,000 in the 2002 Budget of the County Coroner (County General Fund) to cover cabling for building and other building maintenance expenses and to purchase a dog kennel for cadaver dogs

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 103

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 948

ADOPTED: 09/16/2002

419 SPONSORED BY: Councillor Dowden

DIGEST: approves a transfer of \$13,199 in the 2002 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to support the continuation of the Arrestee Drug Abuse Monitoring Program

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 104

APPROVED BY MAYOR: 09/27/2002

JOURNAL PAGE: 949

ADOPTED: 09/16/2002

420 SPONSORED BY: Councillors Soards, Borst, Boyd, Short

DIGEST: welcomes Colt's Coach Tony Dungy to Indianapolis

REFERRED TO:

SPECIAL RESOLUTION 52

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 710

ADOPTED: 08/26/2002

421 SPONSORED BY: Councillor Nytes

DIGEST: recognizes the Sixth Quadrennial International Violin Competition of Indianapolis, September 6-22, 2002

REFERRED TO:

SPECIAL RESOLUTION 53

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 711

ADOPTED: 08/26/2002

422 SPONSORED BY: Councillor Talley

DIGEST: recognizes the community commitment of Dano's Contracting, LLC

REFERRED TO:

SPECIAL RESOLUTION 54

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 712

ADOPTED: 08/26/2002

423 SPONSORED BY: Councillors Boyd, Moriarty Adams, Sanders, Horseman, Gibson, Conley, Short

DIGEST: offers apology to all citizens and guests to our city for the disparaging characterizations made by two Council members

REFERRED TO:

COUNCIL RESOLUTION 76

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 753

ADOPTED: 08/26/2002

2002 Proposal Index

424 SPONSORED BY: Councillors Talley, Black, Boyd, Brents, Conley, Douglas, Gibson, Gray, Horseman, Nytes, Sanders, Short

DIGEST: a council resolution of censure

REFERRED TO:

COUNCIL RESOLUTION 0

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 753

DEFEATED: 08/26/2002

425 SPONSORED BY: Councillor Dowden

DIGEST: determines the need to lease office space at 251 East Ohio Street for use by the County Prosecutor's office

REFERRED TO: Administration and Finance Committee

SPECIAL RESOLUTION 69

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1014

ADOPTED: 10/28/2002

426 SPONSORED BY: Councillor Coonrod

DIGEST: provides limits on Honorary Resolutions

REFERRED TO: Rules and Public Policy Committee

GENERAL ORDINANCE

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE:

NO ACTION TAKEN IN 2002

427 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Franklin Township, Councilmanic District 23, 8400 and 8600 East Thompson Road (approximate addresses) (2002-ZON-817)

REFERRED TO:

REZONING ORDINANCE 103

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 714

ADOPTED: 08/26/2002

428 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 24, 5090 McFarland Road and 2700 East Fairfax Road (approximate address) (2002-ZON-825)

REFERRED TO:

REZONING ORDINANCE 104

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 715

ADOPTED: 08/26/2002

429 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 632 and 636 North East Street (approximate address) (2002-ZON-083)

REFERRED TO:

REZONING ORDINANCE 105

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 715

ADOPTED: 08/26/2002

430 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 12, 3650 North Franklin Road (approximate address) (2002-ZON-084)

REFERRED TO:

REZONING ORDINANCE 106

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 715

ADOPTED: 08/26/2002

2002 Proposal Index

431 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Franklin Township, Councilmanic District 23, 6735 East Thompson Road
(approximate address) (2002-ZON-090)

REFERRED TO:

REZONING ORDINANCE 107

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 715

ADOPTED: 08/26/2002

432 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 5, 4002 Carroll Road (approximate
address) (2002-ZON-094)

REFERRED TO:

REZONING ORDINANCE 108

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 715

ADOPTED: 08/26/2002

433 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Franklin Township, Councilmanic District 23, 7830 East Edgewood Avenue
(approximate address) (2002-ZON-829)

REFERRED TO:

REZONING ORDINANCE 109

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 715

ADOPTED: 08/26/2002

434 SPONSORED BY: Councillors Borst, McWhirter

DIGEST: concerns council district boundaries

REFERRED TO: Rules and Public Policy Committee

GENERAL ORDINANCE 93

APPROVED BY MAYOR: / /

JOURNAL PAGE: 975

ADOPTED: 10/07/2002

Clerk's Note: Litigation Pending

435 SPONSORED BY: Councillors Boyd, Black, Brents, Conley, Douglas, Gibson, Gray, Horseman, Knox,
Moriarity Adams, Nytes, Sanders, Short, Talley

DIGEST: concerns council district boundaries

REFERRED TO: Rules and Public Policy Committee

GENERAL ORDINANCE

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE:

NO ACTION TAKEN IN 2002

436 SPONSORED BY: Councillor McWhirter

DIGEST: appoints Dollyne Sherman to the Cable Franchise Board

REFERRED TO: Administration and Finance Committee

COUNCIL RESOLUTION 81

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 996

ADOPTED: 10/28/2002

437 SPONSORED BY: Councillor Borst

DIGEST: appoints Richard Petrecca to the County Property Tax Assessment Board of Appeals

REFERRED TO: Administration and Finance Committee

COUNCIL RESOLUTION 78

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 958

ADOPTED: 10/07/2002

2002 Proposal Index

438 SPONSORED BY: Councillor Bradford

DIGEST: approves an increase of \$30,000 in the 2002 Budgets of the County Auditor and the Cooperative Extension Service (County Grants Fund) to fund the program assistant position for one year, funded by a grant from the Indiana State Lawn Care Association

REFERRED TO: Community Affairs Committee

FISCAL ORDINANCE 105

APPROVED BY MAYOR: 10/20/2002

JOURNAL PAGE: 964

ADOPTED: 10/07/2002

439 SPONSORED BY: Councillors Smith, Black, Boyd, Bradford, Conley, Horseman, Schneider

DIGEST: concerns the adult entertainment business (02-AO-01)

REFERRED TO: Metropolitan Development Committee

GENERAL ORDINANCE 92

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 762

ADOPTED: 09/16/2002

440 SPONSORED BY: Councillor Coughenour

DIGEST: appoints Gus Miller to the Indianapolis City Market Corporation Board of Directors

REFERRED TO: Metropolitan Development Committee

COUNCIL RESOLUTION 79

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 958

ADOPTED: 10/07/2002

441 SPONSORED BY: Councillor Knox

DIGEST: designates White River Parkway, West Drive, from Washington Street to New York Street, including the New York Street Bridge, as the E.B. Kelley Memorial Parkway and Bridge

REFERRED TO: Metropolitan Development Committee

SPECIAL RESOLUTION 61

APPROVED BY MAYOR: 10/20/2002

JOURNAL PAGE: 982

ADOPTED: 10/07/2002

442 SPONSORED BY: Councillors Cockrum, Gray

DIGEST: approves an appropriation of \$236,184 in the 2002 Budget of the Department of Parks and Recreation (Non-Lapsing Federal Grants Fund) to establish and continue after school youth programs at several IPS and Indy Park sites, financed by federal grants

REFERRED TO: Parks and Recreation Committee

FISCAL ORDINANCE 106

APPROVED BY MAYOR: 10/20/2002

JOURNAL PAGE: 965

ADOPTED: 10/07/2002

443 SPONSORED BY: Councillors Cockrum, Gray

DIGEST: approves a transfer totaling \$40,000 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) to demolish the clubhouse at Smock Golf Course

REFERRED TO: Parks and Recreation Committee

FISCAL ORDINANCE 114

APPROVED BY MAYOR: 10/20/2002

JOURNAL PAGE: 983

ADOPTED: 10/07/2002

444 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$95,652 in the 2002 Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) to fund a specially trained OVWI (Operating a Vehicle While Intoxicated) Fatality Prosecutor, funded by a grant from the Governor's Council on Impaired and Dangerous Driving and the National Highway Traffic Safety Administration

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 107

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 966

ADOPTED: 10/07/2002

2002 Proposal Index

445 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$200,000 in the 2002 Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) for seat belt and drunk driving enforcement and public information campaign in Marion County, funded by a grant from the Governor's Council on Impaired and Dangerous Driving and the National Highway Traffic Safety Administration

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 108

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 967

ADOPTED: 10/07/2002

446 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$244,000 in the 2002 Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) to fund a drunk driving enforcement project in Marion County, funded by a grant from the Governor's Council on Impaired and Dangerous Driving and the National Highway Traffic Safety Administration

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 109

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 968

ADOPTED: 10/07/2002

447 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$3,609 in the 2002 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to appropriate the difference between the 2002 Grant Book and the amount awarded for A Child's Haven

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 110

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 969

ADOPTED: 10/07/2002

448 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$5,352 in the 2002 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to appropriate the difference between the 2002 Grant Book and the amount awarded for the Julian Center

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 111

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 969

ADOPTED: 10/07/2002

449 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$86,232 in the 2002 Budget of the Marion County Superior Court (State and Federal Grants Fund) to continue treatment readiness evaluations by CASI (Community Addiction Services of Indiana) and implement a web site for Community Court information, funded by a grant from the Indiana Criminal Justice Institute

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 112

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 970

ADOPTED: 10/07/2002

450 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$40,000 in the 2002 Budget of the Marion County Superior Court (County Grants Fund) to pay for exterior improvements to the Community Court building, funded by the Department of Metropolitan Development's Community Enhancement Funds

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 116

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1001

ADOPTED: 10/28/2002

2002 Proposal Index

451 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$150,000 in the 2002 Budget of the Marion County Superior Court (Jury Pay Fund) to pay for a death penalty case, financed by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 113

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 971

ADOPTED: 10/07/2002

452 SPONSORED BY: Councillor Dowden

DIGEST: approves a transfer of \$180,000 in the 2002 Budget of the Marion County Superior Court (County General Fund) to pay for outsourcing contracts and law library books

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 115

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 984

ADOPTED: 10/07/2002

453 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$2,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) for the purchase of supplies for two children's programs, funded by a grant from Alliance with Indiana

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 117

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1002

ADOPTED: 10/28/2002

454 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$70,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (Guardian Ad Litem Fund) to increase funding to Child Advocates, Inc., funded by revenue received from the State of Indiana

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 118

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1003

ADOPTED: 10/28/2002

455 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$50,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (Juvenile Probation Fees Fund) to remodel the Juvenile Probation office, financed by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 119

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1003

ADOPTED: 10/28/2002

456 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$45,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (County General Fund) to increase funding in the food budget for the remainder of 2002, funded by revenues from the School Lunch Program

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 129

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1053

ADOPTED: 11/11/2002

457 SPONSORED BY: Councillors Soards, Boyd, Bainbridge

DIGEST: creates a citizens review process for the Marion County Sheriff's Department

REFERRED TO: Public Safety and Criminal Justice Committee

GENERAL ORDINANCE

APPROVED BY MAYOR: / /

JOURNAL PAGE:

NO ACTION TAKEN IN 2002

2002 Proposal Index

458 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: authorizes the Department of Public Works, Office of Environmental Services, to apply for grant assistance from the Indiana Department of Environmental Management to continue the City's participation in the statewide Mercury Awareness Program as a regional hub site

REFERRED TO: Public Works Committee

SPECIAL RESOLUTION 65

APPROVED BY MAYOR: 10/20/2002

JOURNAL PAGE: 985

ADOPTED: 10/07/2002

459 SPONSORED BY: Councillor Moriarty Adams

DIGEST: authorizes a multi-way stop at 18th Street and Bosart Avenue (District 15)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 97

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1035

ADOPTED: 10/28/2002

460 SPONSORED BY: Councillor Smith

DIGEST: authorizes multi-way stops at Bold Ruler Drive and Foolish Pleasure Lane, and at Crystal Water Drive and First Lady Boulevard (District 23)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 98

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1036

ADOPTED: 10/28/2002

461 SPONSORED BY: Councillor Schneider

DIGEST: authorizes multi-way stops at intersections in Arrowhead Estates (District 3)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 99

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1036

ADOPTED: 10/28/2002

462 SPONSORED BY: Councillor Schneider

DIGEST: authorizes intersection controls at 76th Street Court (E/W Leg) and 76th Street Court (N/S Leg) (District 3)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 100

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1037

ADOPTED: 10/28/2002

463 SPONSORED BY: Councillor SerVaas

DIGEST: authorizes intersection controls at 39th Street and Roland Road, and at 39th Street and Rommel Drive (District 2)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 101

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1037

ADOPTED: 10/28/2002

464 SPONSORED BY: Councillor Gray

DIGEST: authorizes intersection controls for the Spring Creek Subdivision (District 9)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 102

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1038

ADOPTED: 10/28/2002

465 SPONSORED BY: Councillor Douglas

DIGEST: authorizes a change in intersection controls at 35th Street and Butler Avenue (District 10)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 103

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1038

ADOPTED: 10/28/2002

2002 Proposal Index

466 SPONSORED BY: Councillor Horseman

DIGEST: recognizes Fiesta Indianapolis, Inc's., "Fiesta 2002"

REFERRED TO:

SPECIAL RESOLUTION 59

APPROVED BY MAYOR: 09/27/2002

JOURNAL PAGE: 780

ADOPTED: 09/16/2002

467 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Franklin Township, Councilmanic District 23, 3920 and 3928 South Post Road (approximate address) (2002-ZON-164)

REFERRED TO:

REZONING ORDINANCE 111

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 785

ADOPTED: 09/16/2002

468 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 4, 5500 East 65th Street (approximate address) (2002-ZON-109) (Amended)

REFERRED TO:

REZONING ORDINANCE 112

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 785

ADOPTED: 09/16/2002

469 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 25, 42 West Edwards Avenue (approximate address) (2002-ZON-103)

REFERRED TO:

REZONING ORDINANCE 113

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 785

ADOPTED: 09/16/2002

470 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 24, 1130 East Epler Avenue (approximate address) (2002-ZON-105)

REFERRED TO:

REZONING ORDINANCE 114

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 785

ADOPTED: 09/16/2002

471 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 4, 7460 North Shadeland Avenue (approximate address) (2002-ZON-106)

REFERRED TO:

REZONING ORDINANCE 115

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 785

ADOPTED: 09/16/2002

472 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Franklin Township, Councilmanic District 23, 5160 East Southport Road (approximate address) (2002-ZON-092)

REFERRED TO:

REZONING ORDINANCE 116

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 785

ADOPTED: 09/16/2002

2002 Proposal Index

473 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 3, 9431 Haver Way (approximate address) (2002-ZON-095)

REFERRED TO:	REZONING ORDINANCE 117
APPROVED BY MAYOR: Not Req.	JOURNAL PAGE: 786
	ADOPTED: 09/16/2002

474 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 13, 100 South Edmondson Avenue (approximate address) (2002-ZON-098)

REFERRED TO:	REZONING ORDINANCE 118
APPROVED BY MAYOR: Not Req.	JOURNAL PAGE: 786
	ADOPTED: 09/16/2002

475 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 20, 1720 Gilbert Avenue (approximate address) (2002-ZON-101)

REFERRED TO:	REZONING ORDINANCE 119
APPROVED BY MAYOR: Not Req.	JOURNAL PAGE: 786
	ADOPTED: 09/16/2002

476 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 1500, 1614, 1615, 1616, 1622, 1624, and 1626 Sheldon Street (approximate addresses) (2002-ZON-107)

REFERRED TO:	REZONING ORDINANCE 120
APPROVED BY MAYOR: Not Req.	JOURNAL PAGE: 786
	ADOPTED: 09/16/2002

477 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 15, 1317 Columbia Avenue (approximate address) (2002-ZON-109) (Amended)

REFERRED TO:	REZONING ORDINANCE 121
APPROVED BY MAYOR: Not Req.	JOURNAL PAGE: 786
	ADOPTED: 09/16/2002

478 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 153 Fall Creek Parkway South Drive (approximate address) (2002-ZON-111)

REFERRED TO:	REZONING ORDINANCE 122
APPROVED BY MAYOR: Not Req.	JOURNAL PAGE: 786
	ADOPTED: 09/16/2002

479 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 7, 2925 East 71st Street (approximate address) (2002-ZON-112)

REFERRED TO:	REZONING ORDINANCE 123
APPROVED BY MAYOR: Not Req.	JOURNAL PAGE: 786
	ADOPTED: 09/16/2002

2002 Proposal Index

480 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Franklin Township, Councilmanic District 23, 7820 Acton Road (approximate address) (2002-ZON-116)

REFERRED TO:

REZONING ORDINANCE 124

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 786

ADOPTED: 09/16/2002

481 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 7, 6720 Spirit Lake Drive (approximate address) (2002-ZON-823) (2002-DP-005)

REFERRED TO:

REZONING ORDINANCE 125

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 787

ADOPTED: 09/16/2002

482 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Wayne Township, Councilmanic District 19, 5550 Bradbury Street (approximate address) (2002-ZON-835)

REFERRED TO:

REZONING ORDINANCE 126

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 787

ADOPTED: 09/16/2002

483 SPONSORED BY: Councillor Coonrod

DIGEST: requests the Metropolitan Development Commission to consider certain amendments to the Zoning regulations

REFERRED TO: Metropolitan Development Committee

COUNCIL RESOLUTION

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE:

NO ACTION TAKEN IN 2002

484 SPONSORED BY: Councillors McWhirter, Talley

DIGEST: codifies the salaries of elected and appointed officials and fixes the salaries of county employees for calendar year 2003

REFERRED TO: Administration and Finance Committee

GENERAL ORDINANCE 95

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1015

ADOPTED: 10/28/2002

485 SPONSORED BY: Councillors McWhirter, Talley

DIGEST: amends the Deferred Compensation Plan of the City and County

REFERRED TO: Administration and Finance Committee

GENERAL ORDINANCE 96

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1018

ADOPTED: 10/28/2002

486 SPONSORED BY: Councillor Douglas

DIGEST: approves the issuance of "City of Indianapolis, Indiana, Redevelopment District Annual Appropriation Revenue Bonds of 2002," in an original aggregate issued amount not to exceed Five Million Dollars to complete necessary improvements in the 82 acre Martindale Brightwood Industrial Development Area/Keystone Enterprise Park located at I-70 and Keystone Avenue

REFERRED TO: Metropolitan Development Committee

GENERAL RESOLUTION 11

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1004

ADOPTED: 10/28/2002

2002 Proposal Index

487 SPONSORED BY: Councillors Cockrum, Douglas

DIGEST: approves an increase of \$575,000 in the 2002 Budget of the Department of Parks and Recreation (Transportation General Fund) to pay for the collection and removal of trees and related debris from public rights-of-way resulting from the tornadoes of September 20, 2002, financed by fund balances

REFERRED TO: Parks and Recreation Committee

FISCAL ORDINANCE 120

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1006

ADOPTED: 10/28/2002

488 SPONSORED BY: Councillors Cockrum, Gray

DIGEST: approves an increase of \$168,750 in the 2002 Budget of the Department of Parks and Recreation (City Cumulative Capital Development Fund) to fund the DPR portion of payment for Cottonwood Lakes at approximately 8900 South Mann Road, as well as complete the purchase of the Mann Property, making Southwestway Park the second largest park in Marion County, financed by fund balances

REFERRED TO: Parks and Recreation Committee

FISCAL ORDINANCE 121

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1007

ADOPTED: 10/28/2002

489 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$175,000 in the 2002 Budget of the County Sheriff (State and Federal Grants Fund) for expenses related to the Local Law Enforcement Block Grant # 6, funded by grant from the Bureau of Justice Programs

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 122

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1008

ADOPTED: 10/28/2002

490 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$125,000 in the 2002 Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) to cover the expenses of the Multi-Agency Law Enforcement Fatal Crash Team, funded by grant from the Governor's Council on Impaired and Dangerous Driving and the National Highway Traffic Safety Administration

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 123

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1009

ADOPTED: 10/28/2002

491 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$11,135 in the 2002 Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) to cover the expenses of the Fathers That Work Program, funded by a grant from the State of Indiana

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 124

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1010

ADOPTED: 10/28/2002

492 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$50,000 in the 2002 Budgets of the County Auditor and the Marion County Superior Court (State and Federal Grants Fund) to cover expenses related to the Local Law Enforcement Block Grant # 6, funded by grant from the Bureau of Justice Programs

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 125

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1010

ADOPTED: 10/28/2002

2002 Proposal Index

493 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$6,849 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (Guardian Ad Litem Fund) to cover expenses related to Child Advocates, Inc., funded by a grant from the State of Indiana

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1012

STRICKEN: 10/28/2002

494 SPONSORED BY: Councillor Dowden

DIGEST: approves a transfer of \$28,065 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to fund additional expenses for the Juvenile Accountability Incentive Block Grant #3

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 127

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1029

ADOPTED: 10/28/2002

495 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$1,070,567 in the 2002 Budgets of the County Auditor and the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to appropriate the Juvenile Accountability Incentive Block Grant #4 from the Indiana Criminal Justice Institute (Local match of \$20,968 is funded by existing appropriations in the Marion County Justice Agency and Marion County Superior Court)

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 126

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1011

ADOPTED: 10/28/2002

496 SPONSORED BY: Councillors Dowden, Moriarty Adams

DIGEST: approves an increase of \$2,500 in the 2002 Budget of the Department of Public Safety, Fire Division (Non-Lapsing Federal Grants Fund) to support the Permanent Fitting Stations (PFS) project at IFD Station #30, a program to educate citizens on the proper installation and use of carseats, financed by a federal grant

REFERRED TO: Public Safety and Criminal Justice Committee

F.S.S.D.F.O. 5

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1041

ADOPTED: 10/28/2002

497 SPONSORED BY: Councillors Dowden, Moriarty Adams

DIGEST: approves a transfer of \$70,000 in the 2002 Budget of the Department of Public Safety, Animal Care and Control Division (Consolidated County Fund) to pay for additional animal supplies and clothing supplies for new field and kennel employees, and to fund a consultant study of the Care and Control sections of this division

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 128

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1029

ADOPTED: 10/28/2002

498 SPONSORED BY: Councillor Massie

DIGEST: creates a merit system for the hiring, promotion, layoff, recall, and discipline of corrections officers in the employ of the Marion County Sheriff

REFERRED TO: Public Safety and Criminal Justice Committee

GENERAL ORDINANCE

APPROVED BY MAYOR: / /

JOURNAL PAGE:

NO ACTION TAKEN IN 2002

2002 Proposal Index

499 SPONSORED BY: Councillors Gibson, Bainbridge

DIGEST: approves the Mayor's establishment of a charter school by issuing a charter to Flanner House Higher Learning Center, Inc.

REFERRED TO: Rules and Public Policy Committee

COUNCIL RESOLUTION 82

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1031

ADOPTED: 10/28/2002

500 SPONSORED BY: Councillors Gibson, Bainbridge

DIGEST: approves the Mayor's establishment of a charter school by issuing a charter to Charter for Accelerated Learning, Inc.

REFERRED TO: Rules and Public Policy Committee

COUNCIL RESOLUTION 83

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1031

ADOPTED: 10/28/2002

501 SPONSORED BY: Councillors Gibson, Bainbridge

DIGEST: approves the Mayor's establishment of a charter school by issuing a charter to KIPP Indianapolis, Inc.

REFERRED TO: Rules and Public Policy Committee

COUNCIL RESOLUTION 84

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1032

ADOPTED: 10/28/2002

502 SPONSORED BY: Councillors Cockrum, Gray

DIGEST: determines the need to purchase approximately 92 acres of real property at 8605 Mann Road for the use of the Department of Parks and Recreation

REFERRED TO: Administration and Finance Committee

SPECIAL RESOLUTION 70

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1032

ADOPTED: 10/28/2002

503 SPONSORED BY: Councillor Massie

DIGEST: authorizes a traffic signal for Madison Avenue, Nelson Avenue, and K-Mart Access Drive (District 20)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 104

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1039

ADOPTED: 10/28/2002

504 SPONSORED BY: Councillors Langsford, Coughenour, Smith

DIGEST: authorizes a traffic signal for Emerson Avenue at Crystal Flash Entrance located at 4903 South Emerson Avenue (District 23)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 105

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1039

ADOPTED: 10/28/2002

505 SPONSORED BY: Councillor Brents

DIGEST: authorizes a multi-way stop at 12th Street and Sheffield Avenue (District 16)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 106

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1039

ADOPTED: 10/28/2002

506 SPONSORED BY: Councillor Knox

DIGEST: authorizes a multi-way stop at Auburn Street and Oliver Avenue (District 17)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 107

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1040

ADOPTED: 10/28/2002

2002 Proposal Index

507 SPONSORED BY: Councillor Black

DIGEST: authorizes parking restrictions on the north side of 42nd Street, from College Avenue west to the first alley (District 6)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 108

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1040

ADOPTED: 10/28/2002

508 SPONSORED BY: Councillors Borst, Langsford, Tilford, Coughenour, Massie

DIGEST: concerns the September 20, 2002, tornadoes that hit sections of Indianapolis

REFERRED TO:

SPECIAL RESOLUTION 60

APPROVED BY MAYOR: 10/20/2002

JOURNAL PAGE: 954

ADOPTED: 10/07/2002

509 SPONSORED BY: Councillors Douglas, Gray

DIGEST: commends Washington Township Schools Superintendent Dr. Eugene G. White for his bold initiative to improve student achievement at North Central High School

REFERRED TO:

SPECIAL RESOLUTION 66

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 995

ADOPTED: 10/28/2002

510 SPONSORED BY: Councillor Moriarty Adams

DIGEST: recognizes the 100th Anniversary of Tuxedo Park Baptist Church

REFERRED TO:

SPECIAL RESOLUTION 62

APPROVED BY MAYOR: 10/20/2002

JOURNAL PAGE: 955

ADOPTED: 10/07/2002

511 SPONSORED BY: Councillor Talley

DIGEST: recognizes NaKitta Parks-Turner

REFERRED TO:

SPECIAL RESOLUTION 63

APPROVED BY MAYOR: 10/20/2002

JOURNAL PAGE: 956

ADOPTED: 10/07/2002

512 SPONSORED BY: Councillors Gray, Brents

DIGEST: recognizes the Indianapolis Soap Box Derby Association and the Indianapolis Inner City Youth Racing League

REFERRED TO:

SPECIAL RESOLUTION 64

APPROVED BY MAYOR: 10/20/2002

JOURNAL PAGE: 957

ADOPTED: 10/07/2002

513 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 24, 1701, 1717 and 1819 Main Street and 14 and 18 South 17th Avenue (approximate addresses), City of Beech Grove (2002-ZON-060A)

REFERRED TO:

REZONING ORDINANCE 127

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 962

ADOPTED: 10/07/2002

514 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 24, 1717 and 1819 Main Street and 14 and 18 South 17th Avenue (approximate addresses), City of Beech Grove (2002-ZON-060B)

REFERRED TO:

REZONING ORDINANCE 128

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 962

ADOPTED: 10/07/2002

2002 Proposal Index

515 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington and Center Townships, Councilmanic District 11, 2512 and 2600 East 38th Street (approximate addresses) (2002-ZON-102)

REFERRED TO:

REZONING ORDINANCE 129

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 962

ADOPTED: 10/07/2002

516 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Wayne Township, Councilmanic District 19; 9251, 9249, 9229, and 9215 Rockville Road, and 59, 75, 85, and 153 South Raceway Road (approximate addresses) (2002-ZON-039)

REFERRED TO:

REZONING ORDINANCE 130

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 962

ADOPTED: 10/07/2002

517 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 24, 3901 Shelbyville Road (approximate address) (2002-ZON-099) (2002-DP-008)

REFERRED TO:

REZONING ORDINANCE 131

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 962

ADOPTED: 10/07/2002

518 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 2835 North Illinois Street (approximate address) (2002-ZON-120)

REFERRED TO:

REZONING ORDINANCE 132

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 963

ADOPTED: 10/07/2002

519 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 5, 11960 East 62nd Street (approximate address), City of Lawrence (2002-ZON-127)

REFERRED TO:

REZONING ORDINANCE 133

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 963

ADOPTED: 10/07/2002

520 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 5, 5050 North Post Road (approximate address), City of Lawrence (2002-ZON-129)

REFERRED TO:

REZONING ORDINANCE 134

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 963

ADOPTED: 10/07/2002

521 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Franklin Township, Councilmanic District 23, 8020 Acton Road (approximate address) (2002-ZON-085) (2002-DP-006)

REFERRED TO:

REZONING ORDINANCE 135

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 963

ADOPTED: 10/07/2002

2002 Proposal Index

522 SPONSORED BY: Councillor Massie

DIGEST: authorizes the transfer of control of Cable Television Franchise from Time Warner Entertainment-Advance Newhouse Partnership to TWEAN Subsidiary, LLC

REFERRED TO: Rules and Public Policy Committee

SPECIAL ORDINANCE 6

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1033

ADOPTED: 10/28/2002

523 SPONSORED BY: Councillor Borst

DIGEST: concerns the division of Marion County into electoral districts

REFERRED TO:

COUNCIL RESOLUTION 80

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 986

ADOPTED: 10/07/2002

524 SPONSORED BY: Councillors Langsford, Nytes

DIGEST: approves a transfer of \$175,000 in the 2002 Budget of the Department of Administration, Fleet Services Division (Consolidated County Fund) to cover costs for an upgrade of the Fleet Management System (M5) which will streamline workflow processes and improve responsiveness

REFERRED TO: Administration and Finance Committee

FISCAL ORDINANCE 142

APPROVED BY MAYOR: 12/06/2002

JOURNAL PAGE: 1102

ADOPTED: 11/25/2002

525 SPONSORED BY: Councillors Smith, Douglas

DIGEST: approves an increase of \$365,000 in the 2002 Budget of the Department of Metropolitan Development (Federal Grants and Non-Lapsing State Grants Funds) to fund engineering costs for the clay cap for the Special Soils Area of the Keystone Enterprise Park as well as Phase II environmental assessment costs for the same area, financed by federal and state grants (Brownfield Economic Development Initiative and Indiana Development Finance Authority)

REFERRED TO: Metropolitan Development Committee

FISCAL ORDINANCE 131

APPROVED BY MAYOR: 11/22/2002

JOURNAL PAGE: 1054

ADOPTED: 11/11/2002

526 SPONSORED BY: Councillors Smith, Nytes

DIGEST: approves the amounts, locations, and programmatic operation of certain projects to be funded from Community Development Grant Funds for 2003

REFERRED TO: Metropolitan Development Committee

SPECIAL RESOLUTION 72

APPROVED BY MAYOR: 11/22/2002

JOURNAL PAGE: 1060

ADOPTED: 11/11/2002

527 SPONSORED BY: Councillors Smith, Nytes

DIGEST: changes the name and duties of the division of community development and financial services; changes the duties of the division of administrative services of the department of metropolitan development, and repeals provisions regarding the urban homesteading program

REFERRED TO: Metropolitan Development Committee

GENERAL ORDINANCE 109

APPROVED BY MAYOR: 11/22/2002

JOURNAL PAGE: 1065

ADOPTED: 11/11/2002

2002 Proposal Index

528 SPONSORED BY: Councillors Dowden, Moriarty Adams

DIGEST: approves an appropriation of \$974,726 in the 2002 Budget of the Department of Public Safety, Police Division (Non-Lapsing Federal Grants and Federal Grants Funds) to support police relationships in the Eagledale neighborhood; to fund two civilian full-time positions within IPD's Victim Assistance Unit; to participate in the "Creating a Culture of Integrity Initiative - Use of Force Policy and Training"; to purchase a wireless hub system for connection to the IPD network, in-car video cameras for the Drug Interdiction Unit, and laptop computers for Academy recruit training; to fund the Domestic Violence Network Navigational Hub; and to fund the "Healthy Reasons to Say No," financed by federal grants

REFERRED TO: Public Safety and Criminal Justice Committee

P.S.S.D.F.O. 4

APPROVED BY MAYOR: 11/22/2002

JOURNAL PAGE: 1069

ADOPTED: 11/11/2002

529 SPONSORED BY: Councillors Dowden, Moriarty Adams

DIGEST: approves an increase of \$491,230 in the 2002 Budget of the Department of Public Safety, Fire Division (Non-Lapsing Federal Grants Fund) to purchase new fitness equipment, to train nine firefighters for a peer fitness program for mentoring local firefighters, and to deliver the FitKids program to area schools, financed by a federal grant (Federal Emergency Management Agency) (Matching funds of \$210,257 have been appropriated in the Department of Public Safety, Fire Division's 2003 budget)

REFERRED TO: Public Safety and Criminal Justice Committee

F.S.S.D.F.O. 6

APPROVED BY MAYOR: 11/22/2002

JOURNAL PAGE: 1071

ADOPTED: 11/11/2002

530 SPONSORED BY: Councillors Dowden, Talley, Douglas

DIGEST: approves an increase of \$461,000 in the 2002 Budget of the Office of the Controller (Consolidated County General Fund) to cover the cost of up to 98 jail beds from September through December, financed by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 130

APPROVED BY MAYOR: 11/22/2002

JOURNAL PAGE: 1053

ADOPTED: 11/11/2002

531 SPONSORED BY: Councillor Dowden

DIGEST: approves a transfer of \$25,000 in the 2002 Budget of the Forensic Services Agency (County General Fund) to allow payment of unanticipated expense in character three

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 134

APPROVED BY MAYOR: 11/22/2002

JOURNAL PAGE: 1068

ADOPTED: 11/11/2002

532 SPONSORED BY: Councillor Dowden

DIGEST: approves a transfer of \$47,000 in the 2002 Budget of the Marion County Superior Court (County General Fund) to fund safety improvements for jury boxes and witness chairs in center tower courts

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 135

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1068

ADOPTED: 11/11/2002

533 SPONSORED BY: Councillors Coughenour, Knox

DIGEST: approves an increase of \$4,236,000 in the 2002 Budget of the Department of Public Works, Engineering Division (Redevelopment District Capital Projects Fund and Transportation General Fund) to provide the local match and inspection fees for several projects, financed by fund balances

REFERRED TO: Public Works Committee

FISCAL ORDINANCE 132

APPROVED BY MAYOR: 11/22/2002

JOURNAL PAGE: 1056

ADOPTED: 11/11/2002

2002 Proposal Index

534 SPONSORED BY: Councillors Coughenour, Knox

DIGEST: approves an increase of \$80,000 in the 2002 Budget of the Department of Public Works, Engineering Division (Transportation General Fund) to study four intersections for potential operational and safety improvements, financed by a grant from State Farm Insurance Company

REFERRED TO: Public Works Committee

FISCAL ORDINANCE 133

APPROVED BY MAYOR: 11/22/2002

JOURNAL PAGE: 1057

ADOPTED: 11/11/2002

535 SPONSORED BY: Councillors Smith, Soards, Talley, Frick

DIGEST: amends the Revised Code exempting churches from the stormwater user fee

REFERRED TO: Public Works Committee

GENERAL ORDINANCE

APPROVED BY MAYOR: / /

JOURNAL PAGE:

NO ACTION TAKEN IN 2002

536 SPONSORED BY: Councillor McWhirter

DIGEST: appoints Bobby Britt to the Common Construction Wage Committee for Wayne Township

REFERRED TO: Rules and Public Policy Committee

COUNCIL RESOLUTION 85

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1042

ADOPTED: 10/28/2002

537 SPONSORED BY: Councillor Brents

DIGEST: approves the proposed refinancing of portions of Consolidated Redevelopment Area debt

REFERRED TO: Administration and Finance Committee

GENERAL RESOLUTION 12

APPROVED BY MAYOR: 11/22/2002

JOURNAL PAGE: 1058

ADOPTED: 11/11/2002

538 SPONSORED BY: Councillors Nytes, McWhirter

DIGEST: approves the issuance of TIF bonds to repay 2001 BAN for Fall Creek Place (Home Ownership Zone)

REFERRED TO: Administration and Finance Committee

GENERAL RESOLUTION 13

APPROVED BY MAYOR: 12/06/2002

JOURNAL PAGE: 1083

ADOPTED: 11/25/2002

539 SPONSORED BY: Councillors Nytes, Soards

DIGEST: concerns the "One Book, One City - Indy's Choice" program

REFERRED TO:

SPECIAL RESOLUTION 67

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 996

ADOPTED: 10/28/2002

540 SPONSORED BY: All Councillors

DIGEST: recognizes the 40 years of Council service by Dr. Beurt R. SerVaas

REFERRED TO:

SPECIAL RESOLUTION 68

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 993

ADOPTED: 10/28/2002

541 SPONSORED BY: Councillors Dowden, Borst

DIGEST: appoints Judy Singleton to the Animal Care and Control Board

REFERRED TO: Public Safety and Criminal Justice Committee

COUNCIL RESOLUTION 86

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1049

ADOPTED: 11/11/2002

2002 Proposal Index

542 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 9, 900 West 30th Street (approximate address) (2002-ZON-091)

REFERRED TO:	REZONING ORDINANCE 136
APPROVED BY MAYOR: Not Req.	JOURNAL PAGE: 999
	ADOPTED: 10/28/2002

543 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 3, 8611, 8621, 8625, 8633, and 8651 North Meridian Street (approximate addresses) (2002-ZON-093) (2002-DP-007)

REFERRED TO:	REZONING ORDINANCE 137
APPROVED BY MAYOR: Not Req.	JOURNAL PAGE: 999
	ADOPTED: 10/28/2002

544 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Wayne Township, Councilmanic District 16, 3000 West Washington Street (approximate address) (2002-ZON-125)

REFERRED TO:	REZONING ORDINANCE 138
APPROVED BY MAYOR: Not Req.	JOURNAL PAGE: 999
	ADOPTED: 10/28/2002

545 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 10, 3402 North Arlington Avenue (approximate address) (2002-ZON-130)

REFERRED TO:	REZONING ORDINANCE 139
APPROVED BY MAYOR: Not Req.	JOURNAL PAGE: 999
	ADOPTED: 10/28/2002

546 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Pike Township, Councilmanic District 1, 4630 West 71st Street (approximate address) (2002-ZON-131)

REFERRED TO:	REZONING ORDINANCE 140
APPROVED BY MAYOR: Not Req.	JOURNAL PAGE: 999
	ADOPTED: 10/28/2002

547 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 12, 2304 North Cumberland Road (approximate address) (2002-ZON-077)

REFERRED TO:	REZONING ORDINANCE 141
APPROVED BY MAYOR: Not Req.	JOURNAL PAGE: 999
	ADOPTED: 10/28/2002

548 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 12, 2304 North Cumberland Road (approximate address) (2002-ZON-078)

REFERRED TO:	REZONING ORDINANCE 142
APPROVED BY MAYOR: Not Req.	JOURNAL PAGE: 999
	ADOPTED: 10/28/2002

2002 Proposal Index

549 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 3, 8727, 8737, and 8747 Holliday Drive (approximate addresses) (2002-ZON-832) (Amended)

REFERRED TO:

REZONING ORDINANCE 143

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1000

ADOPTED: 10/28/2002

550 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Franklin Township, Councilmanic District 23, 9555 East Edgewood Avenue (approximate address) (2002-ZON-115) (2002-DP-010)

REFERRED TO:

REZONING ORDINANCE 144

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1000

ADOPTED: 10/28/2002

551 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Pike Township, Councilmanic District 2, 3444 West 71st Street (approximate address) (2002-ZON-097)

REFERRED TO:

REZONING ORDINANCE 145

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1000

ADOPTED: 10/28/2002

552 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 14, 10023 East 42nd Street (approximate address) (2002-ZON-104)

REFERRED TO:

REZONING ORDINANCE 146

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1000

ADOPTED: 10/28/2002

553 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 4, 6212 Parliament Drive (approximate address) (2002-ZON-121)

REFERRED TO:

REZONING ORDINANCE 147

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1000

ADOPTED: 10/28/2002

554 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 13, 5536 Brookville Road (approximate address) (2002-ZON-134)

REFERRED TO:

REZONING ORDINANCE 148

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1000

ADOPTED: 10/28/2002

555 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Wayne Township, Councilmanic District 8, 5302, 5310, and 5328 West 10th Street (approximate addresses) (2002-ZON-135)

REFERRED TO:

REZONING ORDINANCE 149

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1000

ADOPTED: 10/28/2002

2002 Proposal Index

556 SPONSORED BY: Councillor Sanders

DIGEST: approves of temporary tax anticipation borrowing for the City of Indianapolis during the period from January 1, 2003, through December 31, 2003

REFERRED TO: Administration and Finance Committee

FISCAL ORDINANCE 136

APPROVED BY MAYOR: 12/06/2002

JOURNAL PAGE: 1085

ADOPTED: 11/25/2002

557 SPONSORED BY: Councillor Sanders

DIGEST: approves of temporary tax anticipation borrowing for Marion County, Indiana, during the period from January 1, 2003, through December 31, 2003

REFERRED TO: Administration and Finance Committee

FISCAL ORDINANCE 137

APPROVED BY MAYOR: 12/06/2002

JOURNAL PAGE: 1089

ADOPTED: 11/25/2002

558 SPONSORED BY: Councillor McWhirter

DIGEST: approves an increase of \$4,875,880 in the 2002 Budget of the County Auditor (County General Fund) to fund the increase in health insurance premiums, funded by fund balances

REFERRED TO: Administration and Finance Committee

FISCAL ORDINANCE 138

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1093

ADOPTED: 11/25/2002

559 SPONSORED BY: Councillors Cockrum, Douglas

DIGEST: approves a transfer of \$400,000 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) to fund staffing for two year-round swimming pools (Forest Manor and Washington Middle Schools) unanticipated in the 2002 budget, as well as overtime needs for storm clean-up from September 20, 2002

REFERRED TO: Parks and Recreation Committee

FISCAL ORDINANCE 143

APPROVED BY MAYOR: 12/06/2002

JOURNAL PAGE: 1103

ADOPTED: 11/25/2002

560 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$70,000 in the 2002 Budget of the County Sheriff (Cumulative Capital Development Fund) for the purchase of three transportation vans, financed by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 139

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1094

ADOPTED: 11/25/2002

561 SPONSORED BY: Councillor Dowden

DIGEST: approves a transfer of \$500,000 in the 2002 Budget of the County Sheriff (County General Fund) to provide for the shortage of money in the 2002 budget for gasoline

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 144

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1104

ADOPTED: 11/25/2002

562 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$40,560 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) to fund an additional appropriation for the Probation Department so they may expand their ability to assist in the process of screening and tracking Community Transition Program offenders, funded by a state grant (Department of Correction, Community Correction Grant Program)

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 140

APPROVED BY MAYOR: 12/06/2002

JOURNAL PAGE: 1095

ADOPTED: 11/25/2002

2002 Proposal Index

563 SPONSORED BY: Councillor Dowden

DIGEST: approves a transfer of \$102,024 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) to fund additional work release beds and day reporting slots, and rescinds Fiscal Ordinance No. 67, 2002, due to incorrect transfer of dollar amount

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 145

APPROVED BY MAYOR: 12/06/2002

JOURNAL PAGE: 1104

ADOPTED: 11/25/2002

564 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: approves an appropriation of \$220,000 in the 2002 Budget of the Department of Public Works, (Transportation General Fund) to fund overtime hours used to clean up after the storms of September 20, 2002, financed by fund balances

REFERRED TO: Public Works Committee

FISCAL ORDINANCE 141

APPROVED BY MAYOR: 12/06/2002

JOURNAL PAGE: 1096

ADOPTED: 11/25/2002

565 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: approves a transfer of \$250,000 in the 2002 Budget of the Department of Public Works, Operation Division (Transportation General Fund) to pay for renovation to the silk screen room within the sign paint shop to improve ventilation and to construct a pole barn for equipment storage

REFERRED TO: Public Works Committee

FISCAL ORDINANCE 146

APPROVED BY MAYOR: 12/06/2002

JOURNAL PAGE: 1105

ADOPTED: 11/25/2002

566 SPONSORED BY: Councillor Borst

DIGEST: approves a schedule of regular council meetings for the year 2003

REFERRED TO:

COUNCIL RESOLUTION 87

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1077

ADOPTED: 11/25/2002

567 SPONSORED BY: Councillors Bradford, Schneider

DIGEST: recommends that the city's purchase of the Indianapolis Water Company be rescinded

REFERRED TO: Rules and Public Policy Committee

COUNCIL RESOLUTION

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE:

NO ACTION TAKEN IN 2002

568 SPONSORED BY: Councillor Borst

DIGEST: recognizes the outstanding community service of William K. McGowan, Jr., of the Indianapolis Convention and Visitors Association

REFERRED TO:

SPECIAL RESOLUTION 71

APPROVED BY MAYOR: 11/22/2002

JOURNAL PAGE: 1048

ADOPTED: 11/11/2002

569 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 5, 9901 Fall Creek Road (approximate address) (2001-ZON-041)

REFERRED TO:

REZONING ORDINANCE 150

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1052

ADOPTED: 11/11/2002

2002 Proposal Index

570 SPONSORED BY: Councillors Talley, Smith

DIGEST: requests the Metropolitan Development Commission to consider certain amendments to permit an exemption for signage in any zoning district related to not-for-profit activities

REFERRED TO: Metropolitan Development Committee

COUNCIL RESOLUTION 88

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1107

ADOPTED: 11/25/2002

571 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$25,000 in the 2002 Budget of the County Treasurer (Enhanced Access Fund) to reimburse member agencies for enhanced access expenses, financed by fund balances

REFERRED TO: Administration and Finance Committee

FISCAL ORDINANCE 147

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1127

ADOPTED: 12/16/2002

572 SPONSORED BY: Councillors Cockrum, Douglas

DIGEST: approves a transfer of \$30,000 in the 2002 Budget of the Department of Parks and Recreation (Federal Non-lapsing Grants Fund) to continue the after-school programs at Forest Manor School and School 108 for the 2002-2003 school year

REFERRED TO: Parks and Recreation Committee

FISCAL ORDINANCE 151

APPROVED BY MAYOR: 12/24/2002

JOURNAL PAGE: 1133

ADOPTED: 12/16/2002

573 SPONSORED BY: Councillors Dowden, Moriarty Adams, Talley

DIGEST: approves an appropriation of \$300,000 in the 2002 Budget of the Department of Public Safety, Police Division (Police General Fund) to pay increased costs of health insurance benefits for active and retired sworn officers and civilian employees, financed by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

P.S.S.D.F.O. 5

APPROVED BY MAYOR: 12/24/2002

JOURNAL PAGE: 1138

ADOPTED: 12/16/2002

574 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$19,844 in the 2002 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to fund the Protective Order Pro Bono Project, funded by a federal grant

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 148

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1128

ADOPTED: 12/16/2002

575 SPONSORED BY: Councillor Dowden

DIGEST: approves a transfer of \$44,656 in the 2002 Budget of the Clerk of the Circuit Court (County General Fund) to fund increased postal expenses and the completion of bank reconciliations by an accounting firm

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 152

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1134

ADOPTED: 12/16/2002

576 SPONSORED BY: Councillor McWhirter

DIGEST: approves an increase of \$50,402 in the 2002 Budget of the Clerk of the Circuit Court (Clerk's Perpetuation Fund) to fund computer upgrades, financed by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 149

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1129

ADOPTED: 12/16/2002

2002 Proposal Index

577 SPONSORED BY: Councillors Dowden, Soards

DIGEST: approves an increase of \$15,000 in the 2002 Budgets of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to provide support for criminal history integration with statewide data, funded by a grant from the Indiana Criminal Justice Institute

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 150

APPROVED BY MAYOR: 12/24/2002

JOURNAL PAGE: 1130

ADOPTED: 12/16/2002

578 SPONSORED BY: Councillor Dowden

DIGEST: approves a transfer of \$59,715 in the 2002 Budgets of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to support the continuation of the Arrestee Drug Abuse Monitoring Program (ADAM) from October 1, 2002, to September 30, 2003

REFERRED TO: Public Safety and Criminal Justice Committee

FISCAL ORDINANCE 153

APPROVED BY MAYOR: 12/24/2002

JOURNAL PAGE: 1135

ADOPTED: 12/16/2002

579 SPONSORED BY: Councillors Bainbridge, Moriarty Adams

DIGEST: supports the development and participation in an eight-hour ozone Early Action Compact for central Indiana to help reduce ozone and to improve the air quality for central Indiana

REFERRED TO: Public Works Committee

SPECIAL RESOLUTION 79

APPROVED BY MAYOR: 12/24/2002

JOURNAL PAGE: 1136

ADOPTED: 12/16/2002

580 SPONSORED BY: Councillors Brents, Horseman

DIGEST: authorizes a change in parking restrictions on Louisiana Street between McCrea Street and Meridian Street (District 16)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE 111

APPROVED BY MAYOR: 12/24/2002

JOURNAL PAGE: 1137

ADOPTED: 12/16/2002

581 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 5, 10702 East 25th Street (approximate address) (2002-ZON-110)

REFERRED TO:

REZONING ORDINANCE 151

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1079

ADOPTED: 11/25/2002

582 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 5, 7171 North Oaklandon Road (approximate address), City of Lawrence (2002-ZON-126)

REFERRED TO:

REZONING ORDINANCE 152

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1080

ADOPTED: 11/25/2002

583 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Decatur Township, Councilmanic District 19, 4459 Mann Road (approximate address) (2002-ZON-128)

REFERRED TO:

REZONING ORDINANCE 153

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1080

ADOPTED: 11/25/2002

2002 Proposal Index

584 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 10, 2311 North Temple Avenue
(approximate address) (2002-ZON-837)

REFERRED TO:

REZONING ORDINANCE 154

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1080

ADOPTED: 11/25/2002

585 SPONSORED BY: Councillor Cockrum

DIGEST: appoints Thomas H. Taylor to the Marion County Storm Water Management Advisory Committee

REFERRED TO: Public Works Committee

COUNCIL RESOLUTION 90

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1118

ADOPTED: 12/16/2002

586 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 5, 2415 and 2425 Mitthoefer Road
(approximate address) (2002-ZON-132)

REFERRED TO:

REZONING ORDINANCE 155

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1080

ADOPTED: 11/25/2002

587 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Pike Township, Councilmanic District 1, 6910 Network Place (approximate
address) (2002-ZON-141)

REFERRED TO:

REZONING ORDINANCE 156

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1080

ADOPTED: 11/25/2002

588 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 25, 50 East Thompson Road (approximate
address) (2002-ZON-013)

REFERRED TO:

REZONING ORDINANCE 157

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1080

ADOPTED: 11/25/2002

589 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 2505 and 2513 North Talbott Street
(approximate address) (2002-ZON-137)

REFERRED TO:

REZONING ORDINANCE 158

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1080

ADOPTED: 11/25/2002

590 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 120-134 West 21st Street
(approximate addresses) (2002-ZON-840)

REFERRED TO:

REZONING ORDINANCE 159

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1080

ADOPTED: 11/25/2002

2002 Proposal Index

591 SPONSORED BY: Councillor Smith

DIGEST: a final resolution for Canal Square Associates, L.P. in an amount not to exceed \$12,300,000 which consists of refinancing the acquisition, construction and equipping of an existing 275-unit multifamily residential facility located on approximately 3.1 acres of land located at 402 West New York Street (District 16)

REFERRED TO: Metropolitan Development Committee

SPECIAL ORDINANCE 7

APPROVED BY MAYOR: 12/24/2002

JOURNAL PAGE: 1125

ADOPTED: 12/16/2002

592 SPONSORED BY: Councillors Massie, Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coughenour, Douglas, Frick, Gibson, Gray, Horseman, Knox, Langsford, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Soards, Talley, Tilford

DIGEST: confers the distinction of President Emeritus on Beurt SerVaas

REFERRED TO:

COUNCIL RESOLUTION 89

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1112

ADOPTED: 12/16/2002

593 SPONSORED BY: Councillor McWhirter

DIGEST: appoints Doris Anne Sadler to the Information Technology Board

REFERRED TO: Administration and Finance Committee

COUNCIL RESOLUTION

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE:

NO ACTION TAKEN IN 2002

594 SPONSORED BY: Councillor Dowden

DIGEST: approves certain public purpose grants totaling \$600,000 from the Drug Free Community Fund for 2003

REFERRED TO: Public Safety and Criminal Justice Committee

GENERAL RESOLUTION 14

APPROVED BY MAYOR: 12/24/2002

JOURNAL PAGE: 1119

ADOPTED: 12/16/2002

595 SPONSORED BY: Councillor McWhirter

DIGEST: authorizes a multi-way stop at Koefoot Drive and Thousand Oaks Lane (District 18)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE

APPROVED BY MAYOR: / /

JOURNAL PAGE:

NO ACTION TAKEN IN 2002

596 SPONSORED BY: Councillor Cockrum

DIGEST: authorizes a multi-way stop at Paddock Road and Ralston Road (District 19)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE

APPROVED BY MAYOR: / /

JOURNAL PAGE:

NO ACTION TAKEN IN 2002

597 SPONSORED BY: Councillor Short

DIGEST: authorizes a multi-way stop at Iowa Street and Orleans Street (District 21)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE

APPROVED BY MAYOR: / /

JOURNAL PAGE:

NO ACTION TAKEN IN 2002

598 SPONSORED BY: Councillor Coughenour

DIGEST: authorizes a multi-way stop at Epler Avenue and Linwood Avenue (District 24)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE

APPROVED BY MAYOR: / /

JOURNAL PAGE:

NO ACTION TAKEN IN 2002

2002 Proposal Index

599 SPONSORED BY: Councillor Bainbridge

DIGEST: authorizes intersection controls for Mac Arthur Lane and Suburban Drive (District 8)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE

APPROVED BY MAYOR: / /

JOURNAL PAGE:

NO ACTION TAKEN IN 2002

600 SPONSORED BY: Councillor Douglas

DIGEST: authorizes a change in the intersection controls at 35th Street and Manor Court (District 10)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE

APPROVED BY MAYOR: / /

JOURNAL PAGE:

NO ACTION TAKEN IN 2002

601 SPONSORED BY: Councillor Moriarty Adams

DIGEST: authorizes a change in the intersection controls at 19th Street and Bancroft Street (District 15)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE

APPROVED BY MAYOR: / /

JOURNAL PAGE:

NO ACTION TAKEN IN 2002

602 SPONSORED BY: Councillor Gray

DIGEST: authorizes intersection controls at 65th Street and Bettcher Avenue (District 9)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE

APPROVED BY MAYOR: / /

JOURNAL PAGE:

NO ACTION TAKEN IN 2002

603 SPONSORED BY: Councillor Brents

DIGEST: authorizes a change in parking restrictions on Vermont Street from West Street to Toledo Street (District 16)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE

APPROVED BY MAYOR: / /

JOURNAL PAGE:

NO ACTION TAKEN IN 2002

604 SPONSORED BY: Councillor Brents

DIGEST: authorizes metered parking on Walnut Street between Delaware Street and Hudson Street (District 16)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE

APPROVED BY MAYOR: / /

JOURNAL PAGE:

NO ACTION TAKEN IN 2002

605 SPONSORED BY: Councillor Soards

DIGEST: authorizes a reduction in the speed limit on Kissel Road from Lafayette Road to 96th Street (District 1)

REFERRED TO: Public Works Committee

GENERAL ORDINANCE

APPROVED BY MAYOR: / /

JOURNAL PAGE:

NO ACTION TAKEN IN 2002

606 SPONSORED BY: Councillor Boyd

DIGEST: approves the Mayor's appointment of Brenda L. Burke as the Director of the Department of Administration

REFERRED TO: Administration and Finance Committee

COUNCIL RESOLUTION

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE:

NO ACTION TAKEN IN 2002

2002 Proposal Index

607 SPONSORED BY: Councillors Boyd, Smith

DIGEST: approves the Mayor's appointment of Maury Plambeck as the Director of the Department of Metropolitan Development

REFERRED TO: Metropolitan Development Committee

COUNCIL RESOLUTION

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE:

NO ACTION TAKEN IN 2002

608 SPONSORED BY: Councillor Boyd

DIGEST: approves the Mayor's appointment of Joseph L. B. Wynns as the Director of the Department of Parks and Recreation

REFERRED TO: Parks and Recreation Committee

COUNCIL RESOLUTION

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE:

NO ACTION TAKEN IN 2002

609 SPONSORED BY: Councillor Boyd

DIGEST: approves the Mayor's appointment of Robert B. Turner as the Director of the Department of Public Safety

REFERRED TO: Public Safety and Criminal Justice Committee

COUNCIL RESOLUTION 1

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE:

ADOPTED: 01/13/2003

610 SPONSORED BY: Councillors Boyd, Coughenour

DIGEST: approves the Mayor's appointment of Barbara A. Lawrence as the Director of the Department of Public Works

REFERRED TO: Public Works Committee

COUNCIL RESOLUTION

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE:

NO ACTION TAKEN IN 2002

611 SPONSORED BY: Councillor Boyd

DIGEST: approves the Mayor's appointment of Michael B. O'Connor as the Chief Deputy Mayor

REFERRED TO: Rules and Public Policy Committee

COUNCIL RESOLUTION

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE:

NO ACTION TAKEN IN 2002

612 SPONSORED BY: Councillor Boyd

DIGEST: approves the Mayor's appointment of Jane Henegar as the Deputy Mayor for Policy

REFERRED TO: Rules and Public Policy Committee

COUNCIL RESOLUTION

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE:

NO ACTION TAKEN IN 2002

613 SPONSORED BY: Councillor Boyd

DIGEST: approves the Mayor's appointment of Carolyn M. Coleman as the Deputy Mayor for Neighborhoods

REFERRED TO: Rules and Public Policy Committee

COUNCIL RESOLUTION

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE:

NO ACTION TAKEN IN 2002

614 SPONSORED BY: Councillors Borst, Coughenour, Boyd

DIGEST: recognizes the public service of Marion County Clerk Sarah M. Taylor

REFERRED TO:

SPECIAL RESOLUTION 73

APPROVED BY MAYOR: 12/24/2002

JOURNAL PAGE: 1112

ADOPTED: 12/16/2002

2002 Proposal Index

615 SPONSORED BY: Councillors Borst Coughenour, Boyd		
DIGEST: recognizes the public service of Marion County Sheriff Jack L. Cottey		
REFERRED TO:		SPECIAL RESOLUTION
APPROVED BY MAYOR: / /	JOURNAL PAGE:	WITHDRAWN
616 SPONSORED BY: Councillors Borst, Coughenour, Boyd		
DIGEST: recognizes the public service of Marion County Prosecutor Scott C. Newman		
REFERRED TO:		SPECIAL RESOLUTION 75
APPROVED BY MAYOR: 12/24/2002	JOURNAL PAGE: 1113	ADOPTED: 12/16/2002
617 SPONSORED BY: Councillors Borst, Coughenour, Boyd		
DIGEST: recognizes the public service of Judge Richard Good		
REFERRED TO:		SPECIAL RESOLUTION 76
APPROVED BY MAYOR: 12/24/2002	JOURNAL PAGE: 1115	ADOPTED: 12/16/2002
618 SPONSORED BY: Councillors Borst, Coughenour, Boyd		
DIGEST: recognizes the public service of Judge William Lawrence		
REFERRED TO:		SPECIAL RESOLUTION 77
APPROVED BY MAYOR: 12/24/2002	JOURNAL PAGE: 1115	ADOPTED: 12/16/2002
619 SPONSORED BY: Councillors Borst, Coughenour, Boyd		
DIGEST: recognizes the public service of Judge Z. Mae Jimison		
REFERRED TO:		SPECIAL RESOLUTION 78
APPROVED BY MAYOR: 12/24/2002	JOURNAL PAGE: 1114	ADOPTED: 12/16/2002
620 SPONSORED BY: Councillor Bradford		
DIGEST: recognizes the Bishop Chatard High School state football champions		
REFERRED TO:		SPECIAL RESOLUTION
APPROVED BY MAYOR: / /	JOURNAL PAGE:	NO ACTION TAKEN IN 2002
621 SPONSORED BY: Councillors Langsford, Tilford		
DIGEST: recognizes outstanding community volunteer students of the Warren Township Renaissance School		
REFERRED TO:		SPECIAL RESOLUTION 80
APPROVED BY MAYOR: 12/24/2002	JOURNAL PAGE: 1116	ADOPTED: 12/16/2002
622 SPONSORED BY: Councillors McWhirter, Conley, Horseman		
DIGEST: recognizes West Indy's 4th Annual Steak n Shake's Breakfast with Santa		
REFERRED TO:		SPECIAL RESOLUTION 81
APPROVED BY MAYOR: 12/24/2002	JOURNAL PAGE: 1117	ADOPTED: 12/16/2002

2002 Proposal Index

623 SPONSORED BY: Councillors Langsford, Nytes

DIGEST: recognizes the public service of Marion County Children's Guardian Home Superintendent Paul B. Browne

REFERRED TO:

SPECIAL RESOLUTION 82

APPROVED BY MAYOR: 12/24/2002

JOURNAL PAGE: 1118

ADOPTED: 12/16/2002

624 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 1926 N. New Jersey (approximate address) (2002-ZON-170)

REFERRED TO:

REZONING ORDINANCE 160

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1123

ADOPTED: 12/16/2002

625 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 16, 802-846 Dr. Martin Luther King Jr. Street (approximate addresses) (2002-ZON-069)

REFERRED TO:

REZONING ORDINANCE 161

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1123

ADOPTED: 12/16/2002

626 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 16, 802-846 Dr. Martin Luther King Jr. Street (approximate addresses) (2002-ZON-124)

REFERRED TO:

REZONING ORDINANCE 162

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1123

ADOPTED: 12/16/2002

627 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 12, 2301 North German Church Road (approximate address) (2002-ZON-142) (2002-DP-016)

REFERRED TO:

REZONING ORDINANCE 163

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1124

ADOPTED: 12/16/2002

628 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Wayne Township, Councilmanic District 16, 2008, 2010, 2012, 2014, 2016, 2024, 2028, 2030, 2044, 2046, 2050, and 2052 North Luett Avenue (approximate addresses) (2002-ZON-146)

REFERRED TO:

REZONING ORDINANCE 164

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1124

ADOPTED: 12/16/2002

629 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 9, 300, 400, 412, and 468 West Fall Creek Boulevard, 427 West 23rd Street, 2253, 2257, 2261, 2265, 2271, 2275, 2277, 2281, 2285, and 2289 Indianapolis Avenue, and 2276, 2278, 2286, 2288, and 2292 Paris Avenue (approximate addresses) (2002-ZON-149)

REFERRED TO:

REZONING ORDINANCE 165

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1124

ADOPTED: 12/16/2002

2002 Proposal Index

630 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 6, 27 and 35 East 39th Street (approximate addresses) (2002-ZON-841)

REFERRED TO:

REZONING ORDINANCE 166

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1124

ADOPTED: 12/16/2002

631 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Franklin Township, Councilmanic District 23, 7527 East Stop 11 Road (approximate address) (2002-ZON-133) (2002-DP-014)

REFERRED TO:

REZONING ORDINANCE 167

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1124

ADOPTED: 12/16/2002

632 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Pike Township, Councilmanic District 1, 5665 Eden Village Drive (approximate address) (2002-ZON-072)

REFERRED TO:

REZONING ORDINANCE 168

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE:

ADOPTED: 12/16/2002

633 SPONSORED BY: Councillor Smith

DIGEST: proposes to rezone 77.1 acre at 10940 East 42nd Street in Lawrence Township, Councilmanic District 5, from D-P (FF) District to D-P (FF) classification to provide for 282 single-family dwellings, resulting in 3.66 units per acre (2002-ZON-122) (2002-DP-013)

REFERRED TO:

REZONING ORDINANCE 6

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE:

NO ACTION TAKEN IN 2002

2002 General Ordinance Index

1 SPONSORED BY: Councillors Smith, Boyd, Nytes

DIGEST: amends Chapter 536 of the Revised Code regarding building standards and procedures

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 666, 2001

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 44

ADOPTED 01/28/2002

2 SPONSORED BY: Councillors Smith, Gray

DIGEST: amends the zoning ordinances to reflect the consolidation of the department of public works and the department of capital asset management into one department under the name of "department of public works," to reflect the reorganization of the division of permits of the department of metropolitan development under the new name "division of compliance," and to make corresponding technical corrections (01-AO-02)

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 698, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 82

ADOPTED 01/28/2002

3 SPONSORED BY: Councillors Smith, Nytes

DIGEST: reorganizes the division of permits of the department of metropolitan development under the new name "division of compliance," to assign certain powers and duties to such division including duties previously assigned to other divisions and departments, and to make corresponding technical corrections to numerous sections of the Code

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 32, 2002

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 297

ADOPTED 01/28/2002

4 SPONSORED BY: Councillors SerVaas, Coughenour, Langsford, Nytes

DIGEST: authorizes a change in parking restrictions for Monument Circle and the Monument Circle spokes

REFERRED TO: Public Works Committee

PROPOSAL NO. 702, 2001

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 377

ADOPTED 01/28/2002

5 SPONSORED BY: Councillor Massie

DIGEST: authorizes a weight limit restriction for East Street between Troy Avenue and Southern Avenue (District 20)

REFERRED TO: Public Works Committee

PROPOSAL NO. 703, 2001

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 380

ADOPTED 01/28/2002

6 SPONSORED BY: Councillors Brents, Short

DIGEST: authorizes parking restrictions on the west side of East Street from South Street to Interstate 70 (Districts 16, 21)

REFERRED TO: Public Works Committee

PROPOSAL NO. 704, 2001

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 381

ADOPTED 01/28/2002

7 SPONSORED BY: Councillors Black, Nytes

DIGEST: authorizes a multi-way stop at 42nd Street and Park Avenue (Districts 6, 22)

REFERRED TO: Public Works Committee

PROPOSAL NO. 19, 2002

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 381

ADOPTED 01/28/2002

2002 General Ordinance Index

8 SPONSORED BY: Councillor Moriarty Adams

DIGEST: authorizes a multi-way stop at 9th Street and Denny Street (District 15)

REFERRED TO: Public Works Committee

PROPOSAL NO. 20, 2002

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 381

ADOPTED 01/28/2002

9 SPONSORED BY: Councillor Knox

DIGEST: authorizes a multi-way stop at 12th Street and Livingston Avenue (District 17)

REFERRED TO: Public Works Committee

PROPOSAL NO. 21, 2002

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 382

ADOPTED 01/28/2002

10 SPONSORED BY: Councillor Soards

DIGEST: authorizes a multi-way stop at 88th Street and Cooper Road (District 1)

REFERRED TO: Public Works Committee

PROPOSAL NO. 22, 2002

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 382

ADOPTED 01/28/2002

11 SPONSORED BY: Councillor Massie

DIGEST: authorizes a multi-way stop at Brunswick Avenue and Laurel Street (District 20)

REFERRED TO: Public Works Committee

PROPOSAL NO. 23, 2002

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 383

ADOPTED 01/28/2002

12 SPONSORED BY: Councillor Dowden

DIGEST: authorizes intersection controls at Ravine Road and White Oak Court (District 4)

REFERRED TO: Public Works Committee

PROPOSAL NO. 24, 2002

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 383

ADOPTED 01/28/2002

13 SPONSORED BY: Councillor Brents

DIGEST: authorizes a multi-way stop at Sheffield Avenue and St. Clair Street (District 16)

REFERRED TO: Public Works Committee

PROPOSAL NO. 25, 2002

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 384

ADOPTED 01/28/2002

14 SPONSORED BY: Councillor Brents

DIGEST: authorizes a multi-way stop at 20th Street and Medford Avenue (District 16)

REFERRED TO: Public Works Committee

PROPOSAL NO. 26, 2002

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 384

ADOPTED 01/28/2002

15 SPONSORED BY: Councillor Brents

DIGEST: authorizes parking restrictions on the south side of New York Street from Pierson Street to Meridian Street (District 16)

REFERRED TO: Public Works Committee

PROPOSAL NO. 27, 2002

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 385

ADOPTED 01/28/2002

2002 General Ordinance Index

16 SPONSORED BY: Councillor Nytes

DIGEST: authorizes parking restrictions on the south side of 25th Street between Dr. A. J. Brown Avenue and Sheldon Street (District 22)

REFERRED TO: Public Works Committee

PROPOSAL NO. 28, 2002

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 385

ADOPTED 01/28/2002

17 SPONSORED BY: Councillor Borst

DIGEST: authorizes parking restrictions on the east side of Talbott Street between Terrace Avenue and Orange Street (District 25)

REFERRED TO: Public Works Committee

PROPOSAL NO. 29, 2002

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 386

ADOPTED 01/28/2002

18 SPONSORED BY: Councillor Soards

DIGEST: authorizes parking restrictions on Georgetown Road and 71st Street (District 1)

REFERRED TO: Public Works Committee

PROPOSAL NO. 30, 2002

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 386

ADOPTED 01/28/2002

19 SPONSORED BY: Councillor Knox

DIGEST: authorizes a weight limit restriction on Maywood Road from Tibbs Avenue to Warman Avenue (District 17)

REFERRED TO: Public Works Committee

PROPOSAL NO. 31, 2002

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 386

ADOPTED 01/28/2002

20 SPONSORED BY: Councillor Coonrod

DIGEST: codifies the salary range of the chief public defender of Marion County

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 696, 2001

APPROVED BY MAYOR: 02/22/2002

JOURNAL PAGE: 409

ADOPTED 02/11/2002

21 SPONSORED BY: Councillor Borst

DIGEST: permits multiyear vaccination of cats and dogs

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 55, 2002

APPROVED BY MAYOR: 02/22/2002

JOURNAL PAGE: 412

ADOPTED 02/11/2002

22 SPONSORED BY: Councillor Coonrod

DIGEST: authorizes a traffic signal at 56th Street and Mitthoefer Road (District 5)

REFERRED TO: Public Works Committee

PROPOSAL NO. 47, 2002

APPROVED BY MAYOR: 02/22/2002

JOURNAL PAGE: 412

ADOPTED 02/11/2002

23 SPONSORED BY: Councillor Brents

DIGEST: authorizes a multi-way stop at 18th Street and Medford Avenue (District 16)

REFERRED TO: Public Works Committee

PROPOSAL NO. 48, 2002

APPROVED BY MAYOR: 02/22/2002

JOURNAL PAGE: 413

ADOPTED 02/11/2002

2002 General Ordinance Index

24 SPONSORED BY: Councillor Short

DIGEST: authorizes parking restrictions on Prospect Street between Leonard Street and St. Patrick Street (District 21)

REFERRED TO: Public Works Committee

PROPOSAL NO. 49, 2002

APPROVED BY MAYOR: 02/22/2002

JOURNAL PAGE: 414

ADOPTED 02/11/2002

25 SPONSORED BY: Councillor Talley

DIGEST: authorizes parking restrictions on Monterey Road between Marseille Road and Balboa Drive (District 14)

REFERRED TO: Public Works Committee

PROPOSAL NO. 50, 2002

APPROVED BY MAYOR: 02/22/2002

JOURNAL PAGE: 414

ADOPTED 02/11/2002

26 SPONSORED BY: Councillor Massie

DIGEST: authorizes parking restrictions on Windermere Street from Bowman Avenue to Otterbein Avenue (District 20)

REFERRED TO: Public Works Committee

PROPOSAL NO. 51, 2002

APPROVED BY MAYOR: 02/22/2002

JOURNAL PAGE: 414

ADOPTED 02/11/2002

27 SPONSORED BY: Councillor Nytes

DIGEST: authorizes intersection controls on 27th and 28th Streets at Shriver Avenue (District 22)

REFERRED TO: Public Works Committee

PROPOSAL NO. 78, 2002

APPROVED BY MAYOR: 03/04/2002

JOURNAL PAGE: 431

ADOPTED 02/25/2002

28 SPONSORED BY: Councillor Bainbridge

DIGEST: authorizes a multi-way stop at Corvallis Crescent and Eagledale Drive (District 8)

REFERRED TO: Public Works Committee

PROPOSAL NO. 93, 2002

APPROVED BY MAYOR: 03/28/2002

JOURNAL PAGE: 461

ADOPTED 03/18/2002

29 SPONSORED BY: Councillors Dowden, Moriarty Adams

DIGEST: determines that the execution of an amendment (Arrestee Processing Center) to the Lease for Jail II is necessary

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 97, 2002

APPROVED BY MAYOR: 03/28/2002

JOURNAL PAGE: 458

ADOPTED 03/18/2002

30 SPONSORED BY: Councillor Coonrod

DIGEST: amends dates for appointment and report of County Salary Recommendation Panel

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 82, 2002

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 482

ADOPTED 04/08/2002

31 SPONSORED BY: Councillors Massie, Coughenour

DIGEST: authorizes the removal of parking restrictions for Sear Terrace between Palo Verde Drive and Paso Del Norte Drive (Districts 20, 24)

REFERRED TO: Public Works Committee

PROPOSAL NO. 136, 2002

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 492

ADOPTED 04/08/2002

2002 General Ordinance Index

32 SPONSORED BY: Councillor Dowden

DIGEST: authorizes a traffic signal at 86th Street and Castleton Square Mall West Drive (Districts 4, 5)

REFERRED TO: Public Works Committee

PROPOSAL NO. 125, 2002

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 487

ADOPTED 04/08/2002

33 SPONSORED BY: Councillors Smith, Coughenour

DIGEST: authorizes a traffic signal at Emerson Avenue, Commerce Square, and McFarland Boulevard (Districts 23, 24)

REFERRED TO: Public Works Committee

PROPOSAL NO. 126, 2002

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 488

ADOPTED 04/08/2002

34 SPONSORED BY: Councillor Smith

DIGEST: authorizes intersection controls at Nathan Lane and Nathan Place (District 23)

REFERRED TO: Public Works Committee

PROPOSAL NO. 127, 2002

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 488

ADOPTED 04/08/2002

35 SPONSORED BY: Councillor McWhirter

DIGEST: authorizes intersection controls at Country Club Boulevard and Kayla Drive (District 18)

REFERRED TO: Public Works Committee

PROPOSAL NO. 128, 2002

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 489

ADOPTED 04/08/2002

36 SPONSORED BY: Councillor McWhirter

DIGEST: authorizes intersection controls for the Traditions of Westmont Park Subdivision (District 18)

REFERRED TO: Public Works Committee

PROPOSAL NO. 129, 2002

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 489

ADOPTED 04/08/2002

37 SPONSORED BY: Councillor Brents

DIGEST: authorizes a multi-way stop at 26th Street and Franklin Place (District 16)

REFERRED TO: Public Works Committee

PROPOSAL NO. 130, 2002

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 489

ADOPTED 04/08/2002

38 SPONSORED BY: Councillor Douglas

DIGEST: authorizes intersection controls at 23rd Street and DeQuincy Street (District 10)

REFERRED TO: Public Works Committee

PROPOSAL NO. 131, 2002

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 490

ADOPTED 04/08/2002

39 SPONSORED BY: Councillor Bradford

DIGEST: authorizes a multi-way stop at Central Avenue and 58th Street (District 7)

REFERRED TO: Public Works Committee

PROPOSAL NO. 132, 2002

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 490

ADOPTED 04/08/2002

2002 General Ordinance Index

40 SPONSORED BY: Councillor Massie

DIGEST: authorizes parking restrictions on Ransdell Street from Pleasant Run Parkway N. Drive to Raymond Street (District 20)

REFERRED TO: Public Works Committee

PROPOSAL NO. 133, 2002

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 491

ADOPTED 04/08/2002

41 SPONSORED BY: Councillor Soards

DIGEST: authorizes parking restrictions on Northwest Boulevard from 84th Street to 86th Street (District 1)

REFERRED TO: Public Works Committee

PROPOSAL NO. 134, 2002

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 491

ADOPTED 04/08/2002

42 SPONSORED BY: Councillor Langsford

DIGEST: authorizes a one-way southbound on Downey Avenue from Julian Avenue to Washington Street; and authorizes parking restrictions on Downey Avenue, on the west side, from a point 30 feet south of Julian Avenue to Washington Street (District 13)

REFERRED TO: Public Works Committee

PROPOSAL NO. 135, 2002

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 491

ADOPTED 04/08/2002

43 SPONSORED BY: Councillors Dowden, Gray, Langsford, Soards

DIGEST: amends the Revised Code concerning Chapter 591, Fire Prevention and Protection

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 700, 2001

APPROVED BY MAYOR: 05/02/2002

JOURNAL PAGE: 528

ADOPTED 04/29/2002

44 SPONSORED BY: Councillor Coonrod

DIGEST: authorizes a traffic signal at 56th Street and Lee Road (District 5)

REFERRED TO: Public Works Committee

PROPOSAL NO. 162, 2002

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 543

ADOPTED 04/29/2002

45 SPONSORED BY: Councillor Coonrod

DIGEST: authorizes a traffic signal at 59th Street and Lee Road (District 5)

REFERRED TO: Public Works Committee

PROPOSAL NO. 163, 2002

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 543

ADOPTED 04/29/2002

46 SPONSORED BY: Councillor Tilford

DIGEST: authorizes intersection controls at Whitty Lane at 14th Street and at 16th Street (District 12)

REFERRED TO: Public Works Committee

PROPOSAL NO. 164, 2002

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 544

ADOPTED 04/29/2002

47 SPONSORED BY: Councillor Douglas

DIGEST: authorizes intersection controls at Coburn Avenue and Coil Street (District 10)

REFERRED TO: Public Works Committee

PROPOSAL NO. 165, 2002

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 544

ADOPTED 04/29/2002

2002 General Ordinance Index

48 SPONSORED BY: Councillor Schneider

DIGEST: authorizes multi-way stops at various intersections located in the Royal Pines Estates (District 3)

REFERRED TO: Public Works Committee

PROPOSAL NO. 166, 2002

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 545

ADOPTED 04/29/2002

49 SPONSORED BY: Councillor Massie

DIGEST: authorizes parking restrictions on Surrey Drive from Coach Road to Shelby Street (District 20)

REFERRED TO: Public Works Committee

PROPOSAL NO. 167, 2002

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 545

ADOPTED 04/29/2002

50 SPONSORED BY: Councillor Knox

DIGEST: authorizes parking restrictions on Everett Street from Harding Street to White River Parkway W. Drive, and authorizes a change in one-way restrictions on Everett Street (District 17)

REFERRED TO: Public Works Committee

PROPOSAL NO. 168, 2002

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 546

ADOPTED 04/29/2002

51 SPONSORED BY: Councillors Langsford, Moriarty Adams, Nytes

DIGEST: authorizes parking restrictions on various streets intersecting with Michigan Street (Districts 13, 15, 22)

REFERRED TO: Public Works Committee

PROPOSAL NO. 169, 2002

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 546

ADOPTED 04/29/2002

52 SPONSORED BY: Councillors Langsford, Moriarty Adams, Short, Nytes

DIGEST: authorizes parking restrictions on various streets intersecting with Washington Street (Districts 13, 15, 21, 22)

REFERRED TO: Public Works Committee

PROPOSAL NO. 170, 2002

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 547

ADOPTED 04/29/2002

53 SPONSORED BY: Councillor Nytes

DIGEST: authorizes a change in the one-way restrictions on 14th Street between Pennsylvania Street and Delaware Street (District 22)

REFERRED TO: Public Works Committee

PROPOSAL NO. 171, 2002

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 547

ADOPTED 04/29/2002

54 SPONSORED BY: Councillor Smith

DIGEST: authorizes a weight limit restriction on Marlin Road between Senour Road and Carroll Road (District 23)

REFERRED TO: Public Works Committee

PROPOSAL NO. 172, 2002

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 548

ADOPTED 04/29/2002

55 SPONSORED BY: Councillor Bradford

DIGEST: authorizes a multi-way stop at Hillside Avenue and 57th Street (District 7)

REFERRED TO: Public Works Committee

PROPOSAL NO. 173, 2002

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 548

ADOPTED 04/29/2002

2002 General Ordinance Index

56 SPONSORED BY: Councillor Dowden

DIGEST: creates a clerk's cash change fund

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 192, 2002

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 571

ADOPTED 05/20/2002

57 SPONSORED BY: Councillor Schneider

DIGEST: authorizes a traffic signal for Harcourt Road and Katie Knox Drive (District 3)

REFERRED TO: Public Works Committee

PROPOSAL NO. 195, 2002

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 572

ADOPTED 05/20/2002

58 SPONSORED BY: Councillor Soards

DIGEST: authorizes intersection controls for Dandy Trail and Traders Cove Lane (District 1)

REFERRED TO: Public Works Committee

PROPOSAL NO. 196, 2002

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 573

ADOPTED 05/20/2002

59 SPONSORED BY: Councillor Soards

DIGEST: authorizes intersection controls for Dandy Trail and Cove Court (District 1)

REFERRED TO: Public Works Committee

PROPOSAL NO. 197, 2002

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 573

ADOPTED 05/20/2002

60 SPONSORED BY: Councillor Soards

DIGEST: authorizes intersection controls for Dandy Trail and Sailors Lane, and for Sailors Lane and Watersite Circle (District 1)

REFERRED TO: Public Works Committee

PROPOSAL NO. 198, 2002

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 573

ADOPTED 05/20/2002

61 SPONSORED BY: Councillor Gray

DIGEST: authorizes intersection controls at Downing Drive, Northgate Drive, and Sylvan Drive (District 9)

REFERRED TO: Public Works Committee

PROPOSAL NO. 199, 2002

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 574

ADOPTED 05/20/2002

62 SPONSORED BY: Councillor Short

DIGEST: authorizes a multi-way stop at Clayton Avenue and Gray Street (District 21)

REFERRED TO: Public Works Committee

PROPOSAL NO. 200, 2002

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 574

ADOPTED 05/20/2002

63 SPONSORED BY: Councillors Knox, Borst

DIGEST: authorizes a multi-way stop at Belmont Avenue and Minnesota Street (Districts 17, 25)

REFERRED TO: Public Works Committee

PROPOSAL NO. 201, 2002

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 575

ADOPTED 05/20/2002

2002 General Ordinance Index

64 SPONSORED BY: Councillor Knox

DIGEST: authorizes parking restrictions on Mount Street from the first alley south of Washington Street to Washington Street (District 17)

REFERRED TO: Public Works Committee

PROPOSAL NO. 203, 2002

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 575

ADOPTED 05/20/2002

65 SPONSORED BY: Councillor Nytes

DIGEST: authorizes parking restrictions on Capitol Avenue near 20th Street (District 22)

REFERRED TO: Public Works Committee

PROPOSAL NO. 204, 2002

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 576

ADOPTED 05/20/2002

66 SPONSORED BY: Councillor Nytes

DIGEST: authorizes parking restrictions on Dorman Street and on New York Street (District 22)

REFERRED TO: Public Works Committee

PROPOSAL NO. 205, 2002

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 576

ADOPTED 05/20/2002

67 SPONSORED BY: Councillor Massie

DIGEST: authorizes parking restrictions on Bacon Street near Stanley Avenue to dead end (District 20)

REFERRED TO: Public Works Committee

PROPOSAL NO. 206, 2002

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 576

ADOPTED 05/20/2002

68 SPONSORED BY: Councillor Gray

DIGEST: authorizes parking restrictions on White River Parkway E. Drive between 30th Street and 38th Street (District 9)

REFERRED TO: Public Works Committee

PROPOSAL NO. 207, 2002

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 577

ADOPTED 05/20/2002

69 SPONSORED BY: Councillors Douglas, Nytes

DIGEST: authorizes a weight limit restriction on Ralston Avenue from 22nd Street to 25th Street (Districts 10, 22)

REFERRED TO: Public Works Committee

PROPOSAL NO. 208, 2002

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 577

ADOPTED 05/20/2002

70 SPONSORED BY: Councillor Brents

DIGEST: authorizes a weight limit restriction on Riverside Drive East, from 18th Street to 29th Street (District 16)

REFERRED TO: Public Works Committee

PROPOSAL NO. 209, 2002

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 577

ADOPTED 05/20/2002

71 SPONSORED BY: Councillor Knox

DIGEST: authorizes a traffic signal for Airport Expressway, Bradbury Access, and Stout Field East Drive (District 17)

REFERRED TO: Public Works Committee

PROPOSAL NO. 277, 2002

APPROVED BY MAYOR: 07/05/2002

JOURNAL PAGE: 631

ADOPTED 06/24/2002

2002 General Ordinance Index

72 SPONSORED BY: Councillors McWhirter, Horseman, Sanders, Soards, Boyd

DIGEST: amends various sections of Chapter 996 of the Revised Code regarding the regulations of the taxicab and limousine industries by the City

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 265, 2002

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 724

ADOPTED 08/26/2002

73 SPONSORED BY: Councillor Borst

DIGEST: fixes the annual compensation of all elected officials and all appointed officers, deputies and employees of the Consolidated City and Marion County, and establishes budgetary procedures for amending compensation restrictions

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 343, 2002

Parts of Exhibit A will be referred to Metropolitan Development, Parks & Recreation, Public Safety & Criminal Justice, and Public Works Committees

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 734

ADOPTED 08/26/2002

74 SPONSORED BY: Councillor Langsford

DIGEST: authorizes intersection controls for Alice Avenue and Peach Tree Lane; and at Alice Avenue and Strawberry Lane (District 13)

REFERRED TO: Public Works Committee

PROPOSAL NO. 344, 2002

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 742

ADOPTED 08/26/2002

75 SPONSORED BY: Councillor Brents

DIGEST: authorizes intersection controls for Crystal Drive and Halifax Drive (District 16)

REFERRED TO: Public Works Committee

PROPOSAL NO. 345, 2002

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 743

ADOPTED 08/26/2002

76 SPONSORED BY: Councillor Brents

DIGEST: authorizes a multi-way stop at 12th Street and Brooks Street (District 16)

REFERRED TO: Public Works Committee

PROPOSAL NO. 346, 2002

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 743

ADOPTED 08/26/2002

77 SPONSORED BY: Councillor McWhirter

DIGEST: authorizes the removal of the multi-way stop at 11th Street and Eleanor Street (District 18)

REFERRED TO: Public Works Committee

PROPOSAL NO. 347, 2002

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 744

ADOPTED 08/26/2002

78 SPONSORED BY: Councillor Soards

DIGEST: authorizes the removal of the multi-way stop at Hunters Green Place and Hunters Green Way (District 1)

REFERRED TO: Public Works Committee

PROPOSAL NO. 348, 2002

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 744

ADOPTED 08/26/2002

2002 General Ordinance Index

79 SPONSORED BY: Councillor Soards

DIGEST: authorizes parking restrictions on Gateway Drive between Glen Arm Road and High School Road; and on Westhaven Drive between Glen Arm Road and High School Road (District 1)

REFERRED TO: Public Works Committee

PROPOSAL NO. 349, 2002

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 745

ADOPTED 08/26/2002

80 SPONSORED BY: Councillor Coughenour

DIGEST: authorizes a change in parking restrictions on Rural Street between Carson Avenue and Hanna Avenue (District 24)

REFERRED TO: Public Works Committee

PROPOSAL NO. 350, 2002

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 745

ADOPTED 08/26/2002

81 SPONSORED BY: Councillor Brents

DIGEST: authorizes a change in parking restrictions on Limestone Street between New York Street and Michigan Street (District 16)

REFERRED TO: Public Works Committee

PROPOSAL NO. 351, 2002

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 745

ADOPTED 08/26/2002

82 SPONSORED BY: Councillor Brents

DIGEST: authorizes a change in parking restrictions on East Street between Georgia Street and Pearl Street (District 16)

REFERRED TO: Public Works Committee

PROPOSAL NO. 352, 2002

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 746

ADOPTED 08/26/2002

83 SPONSORED BY: Councillor Short

DIGEST: authorizes a weight limit restriction on Hamilton Avenue between English Avenue and Southeastern Avenue (District 21)

REFERRED TO: Public Works Committee

PROPOSAL NO. 353, 2002

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 747

ADOPTED 08/26/2002

84 SPONSORED BY: Councillor Knox

DIGEST: authorizes a multi-way stop at Howard Street and Reisner Street (District 17)

REFERRED TO: Public Works Committee

PROPOSAL NO. 383, 2002

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 747

ADOPTED 08/26/2002

85 SPONSORED BY: Councillor McWhirter

DIGEST: authorizes a multi-way stop at Louise Avenue and Pinecrest Road (District 18)

REFERRED TO: Public Works Committee

PROPOSAL NO. 384, 2002

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 748

ADOPTED 08/26/2002

86 SPONSORED BY: Councillor Nytes

DIGEST: authorizes a multi-way stop at 17th Street, Coyner Avenue, and Tacoma Avenue (District 22)

REFERRED TO: Public Works Committee

PROPOSAL NO. 385, 2002

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 748

ADOPTED 08/26/2002

2002 General Ordinance Index

87 SPONSORED BY: Councillor Nytes

DIGEST: authorizes a multi-way stop at 20th Street and Alabama Street (District 22)

REFERRED TO: Public Works Committee

PROPOSAL NO. 386, 2002

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 749

ADOPTED 08/26/2002

88 SPONSORED BY: Councillor Gray

DIGEST: authorizes intersection controls at Guion Lakes Drive, Guion Lakes Terrace, and Lakefield Drive; at Guion Lakes Drive, Lakefield Court, and Lakefield Trace; and at Guion Lakes Drive and 59th Street (District 9)

REFERRED TO: Public Works Committee

PROPOSAL NO. 387, 2002

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 749

ADOPTED 08/26/2002

89 SPONSORED BY: Councillor Brents

DIGEST: authorizes a multi-way stop at 20th Street and Centennial Street (District 16)

REFERRED TO: Public Works Committee

PROPOSAL NO. 388, 2002

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 750

ADOPTED 08/26/2002

90 SPONSORED BY: Councillor Brents

DIGEST: authorizes a change in parking restrictions on the east side of Virginia Avenue between Lexington Avenue and South Street (District 16)

REFERRED TO: Public Works Committee

PROPOSAL NO. 389, 2002

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 751

ADOPTED 08/26/2002

91 SPONSORED BY: Councillor Brents

DIGEST: authorizes parking restrictions on the east side of Capital Avenue from New York Street to Vermont Street (District 16)

REFERRED TO: Public Works Committee

PROPOSAL NO. 390, 2002

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 751

ADOPTED 08/26/2002

92 SPONSORED BY: Councillors Smith, Black, Boyd, Bradford, Conley, Horseman, Schneider

DIGEST: concerns the adult entertainment business (02-AO-01)

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 439, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 762

ADOPTED 09/16/2002

93 SPONSORED BY: Councillors Borst, McWhirter

DIGEST: concerns council district boundaries

REFERRED TO: Rules and Public Policy Committee

PROPOSAL NO. 434, 2002

APPROVED BY MAYOR: / /

JOURNAL PAGE: 975

ADOPTED 10/07/2002

Clerk's Note: Litigation Pending

2002 General Ordinance Index

94 SPONSORED BY: Councillor Nytes

DIGEST: requires that proposals for fiscal ordinances, other than those funded by a grant with no matching funds, must include both the previous year's closing fund balance and a projection of the current year's ending fund balance

REFERRED TO: Rules and Public Policy Committee

PROPOSAL NO. 341, 2002

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1013

ADOPTED 10/28/2002

95 SPONSORED BY: Councillors McWhirter, Talley

DIGEST: codifies the salaries of elected and appointed officials and fixes the salaries of county employees for calendar year 2003

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 484, 2002

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1015

ADOPTED 10/28/2002

96 SPONSORED BY: Councillors McWhirter, Talley

DIGEST: amends the Deferred Compensation Plan of the City and County

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 485, 2002

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1018

ADOPTED 10/28/2002

97 SPONSORED BY: Councillor Moriarty Adams

DIGEST: authorizes a multi-way stop at 18th Street and Bosart Avenue (District 15)

REFERRED TO: Public Works Committee

PROPOSAL NO. 459, 2002

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1035

ADOPTED 10/28/2002

98 SPONSORED BY: Councillor Smith

DIGEST: authorizes multi-way stops at Bold Ruler Drive and Foolish Pleasure Lane, and at Crystal Water Drive and First Lady Boulevard (District 23)

REFERRED TO: Public Works Committee

PROPOSAL NO. 460, 2002

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1036

ADOPTED 10/28/2002

99 SPONSORED BY: Councillor Schneider

DIGEST: authorizes multi-way stops at intersections in Arrowhead Estates (District 3)

REFERRED TO: Public Works Committee

PROPOSAL NO. 461, 2002

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1036

ADOPTED 10/28/2002

100 SPONSORED BY: Councillor Schneider

DIGEST: authorizes intersection controls at 76th Street Court (E/W Leg) and 76th Street Court (N/S Leg) (District 3)

REFERRED TO: Public Works Committee

PROPOSAL NO. 462, 2002

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1037

ADOPTED 10/28/2002

2002 General Ordinance Index

101 SPONSORED BY: Councillor SerVaas

DIGEST: authorizes intersection controls at 39th Street and Roland Road, and at 39th Street and Rommel Drive (District 2)

REFERRED TO: Public Works Committee

PROPOSAL NO. 463, 2002

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1037

ADOPTED 10/28/2002

102 SPONSORED BY: Councillor Gray

DIGEST: authorizes intersection controls for the Spring Creek Subdivision (District 9)

REFERRED TO: Public Works Committee

PROPOSAL NO. 464, 2002

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1038

ADOPTED 10/28/2002

103 SPONSORED BY: Councillor Douglas

DIGEST: authorizes a change in intersection controls at 35th Street and Butler Avenue (District 10)

REFERRED TO: Public Works Committee

PROPOSAL NO. 465, 2002

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1038

ADOPTED 10/28/2002

104 SPONSORED BY: Councillor Massie

DIGEST: authorizes a traffic signal for Madison Avenue, Nelson Avenue, and K-Mart Access Drive (District 20)

REFERRED TO: Public Works Committee

PROPOSAL NO. 503, 2002

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1039

ADOPTED 10/28/2002

105 SPONSORED BY: Councillors Langsford, Coughenour, Smith

DIGEST: authorizes a traffic signal for Emerson Avenue at Crystal Flash Entrance located at 4903 South Emerson Avenue (District 23)

REFERRED TO: Public Works Committee

PROPOSAL NO. 504, 2002

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1039

ADOPTED 10/28/2002

106 SPONSORED BY: Councillor Brents

DIGEST: authorizes a multi-way stop at 12th Street and Sheffield Avenue (District 16)

REFERRED TO: Public Works Committee

PROPOSAL NO. 505, 2002

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1039

ADOPTED 10/28/2002

107 SPONSORED BY: Councillor Knox

DIGEST: authorizes a multi-way stop at Auburn Street and Oliver Avenue (District 17)

REFERRED TO: Public Works Committee

PROPOSAL NO. 506, 2002

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1040

ADOPTED 10/28/2002

108 SPONSORED BY: Councillor Black

DIGEST: authorizes parking restrictions on the north side of 42nd Street, from College Avenue west to the first alley (District 6)

REFERRED TO: Public Works Committee

PROPOSAL NO. 507, 2002

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1040

ADOPTED 10/28/2002

2002 General Ordinance Index

109 SPONSORED BY: Councillors Smith, Nytes

DIGEST: changes the name and duties of the division of community development and financial services; changes the duties of the division of administrative services of the department of metropolitan development, and repeals provisions regarding the urban homesteading program

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 527, 2002

APPROVED BY MAYOR: 11/22/2002

JOURNAL PAGE: 1065

ADOPTED 11/11/2002

110 SPONSORED BY: Councillors Smith, Schneider

DIGEST: amends the Revised Code relating to the citizens police complaint board

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 246, 2002

APPROVED BY MAYOR: 12/06/2002

JOURNAL PAGE: 1098

ADOPTED 11/25/2002

111 SPONSORED BY: Councillors Brents, Horseman

DIGEST: authorizes a change in parking restrictions on Louisiana Street between McCrea Street and Meridian Street (District 16)

REFERRED TO: Public Works Committee

PROPOSAL NO. 580, 2002

APPROVED BY MAYOR: 12/24/2002

JOURNAL PAGE: 1137

ADOPTED 12/16/2002

2002 Fiscal Ordinance Index

1 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$19,716 in the 2002 Budget of the County Sheriff (State and Federal Grants Fund) for the reimbursement of two officers' overtime assigned to the FBI Task Force Program, funded by a FBI Task Force Grant

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 7, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 39

ADOPTED 01/28/2002

2 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$9,461 in the 2002 Budget of the County Sheriff (State and Federal Grants Fund) for a one-time reimbursement for one officer's salary assigned to the Drug Enforcement Administration, funded by a grant from the Department of Justice, Drug Enforcement Administration

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 8, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 39

ADOPTED 01/28/2002

3 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$23,715 in the 2002 Budget of the Marion County Justice Agency (State and Federal Grants Fund) for the development of the Indianapolis Violence Reduction Partnership Crime Database Web Application, funded by a grant from the Indiana Criminal Justice Institute (Local match of \$7,950 is funded by existing appropriations in the Marion County Justice Agency budget.)

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 9, 2002

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 40

ADOPTED 01/28/2002

4 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$505,506 in the 2002 Budgets of the County Auditor and Community Corrections (Home Detention Fund) to appropriate the second half of fiscal year 2001-2002 Home Detention Fund to fund personnel, home detention equipment, and office supplies

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 11, 2002

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 41

ADOPTED 01/28/2002

5 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$15,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to appropriate an Indiana Supreme Court grant for the Family Group Conferencing Program

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 13, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 42

ADOPTED 01/28/2002

6 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$45,000 in the 2002 Budgets of the County Auditor and Marion County Superior Court (State and Federal Grants Fund) to hire a Family Court Coordinator (Family Court Pilot Project), funded by a state grant

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 12, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 43

ADOPTED 01/28/2002

2002 Fiscal Ordinance Index

7 SPONSORED BY: Councillor Dowden

DIGEST: approves a transfer of \$135,280 in the 2002 Budgets of the County Auditor and the Marion County Justice Agency (Drug Free Community Fund) to appropriate salaries per grant awards for Marion County Superior Court, County Prosecutor, and Marion County Justice Agency

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 10, 2002

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 376

ADOPTED 01/28/2002

8 SPONSORED BY: Councillors Dowden, Talley

DIGEST: approves an increase of \$91,388 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) for the funding of a mental health component and a conflict resolution services coordinator position, funded by Department of Corrections grants

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 46, 2002

APPROVED BY MAYOR: 02/22/2002

JOURNAL PAGE: 403

ADOPTED 02/11/2002

9 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$2,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to appropriate an AWI (Automated Wagering International) grant to purchase supplies for children's programs

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 14, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 404

ADOPTED 02/11/2002

10 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$10,091 in the 2002 Budget of the County Sheriff (State and Federal Grants Fund) for the reimbursement of one officer's overtime who is assigned to the Indiana Joint Terrorism Task Force, funded by a grant from the FBI

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 43, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 405

ADOPTED 02/11/2002

11 SPONSORED BY: Councillors Dowden, Talley, Short

DIGEST: approves an increase of \$200,000 in the 2002 Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) to continue funding the Community Court, funded by a federal grant (U.S. Department of Justice)

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 44, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 405

ADOPTED 02/11/2002

12 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$28,200 in the 2002 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to purchase two electronic message trailers to be utilized by local law enforcement agencies when conducting seat belt enforcement zones, funded by a grant from the Governor's Council on Impaired & Dangerous Driving and the National Highway Traffic Safety Administration

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 45, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 406

ADOPTED 02/11/2002

2002 Fiscal Ordinance Index

13 SPONSORED BY: Councillor Massie

DIGEST: approves an increase of \$95,000 in the 2002 Budget of the City-County Council (Consolidated County Fund) to provide for redistricting expenses, anticipated but not encumbered in 2001, and to correct an error in posting 2001 encumbrances, financed by fund balances

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 40, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 407

ADOPTED 02/11/2002

14 SPONSORED BY: Councillor Bradford

DIGEST: approves an increase of \$2,983 in the 2002 Budget of the County Auditor (Child Advocacy Fund) to support the continuation of an interdisciplinary response to child abuse and neglect situations for the Family Advocacy Center (per Indiana Code 12-17-12-2), financed by fund balances

REFERRED TO: Community Affairs Committee

PROPOSAL NO. 72, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 424

ADOPTED 02/25/2002

15 SPONSORED BY: Councillors Cockrum, Short

DIGEST: approves an appropriation of \$500,000 in the 2002 Budget of the Department of Parks and Recreation (Federal Grants Fund) to renovate the parking lot, pool and bathhouse; and to add new basketball courts, additional landscaping and trails at Willard Park, financed by federal funds (Urban Park and Recreation Recovery Program) (Local match of \$214,285 is funded by existing appropriations in the Department of Parks and Recreation budget.)

REFERRED TO: Parks and Recreation Committee

PROPOSAL NO. 73, 2002

APPROVED BY MAYOR: 03/04/2002

JOURNAL PAGE: 425

ADOPTED 02/25/2002

16 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$5,000 in the 2002 Budget of the County Sheriff (State and Federal Grants Fund) for a one time reimbursement for one officer assigned to the U.S. Marshal Services' Operation Failed Chance Task Force, funded by a grant from United States Marshals Service

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 74, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 427

ADOPTED 02/25/2002

17 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$12,928 in the 2002 Budget of the Marion County Justice Agency (Law Enforcement Fund) to purchase computer equipment for the County Sheriff, financed by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 75, 2002

APPROVED BY MAYOR: 03/04/2002

JOURNAL PAGE: 427

ADOPTED 02/25/2002

18 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$7,631 (Law Enforcement Equitable Share Fund) in the 2002 Budget of the Marion County Justice Agency to purchase computer equipment for the County Sheriff, financed by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 76, 2002

APPROVED BY MAYOR: 03/04/2002

JOURNAL PAGE: 428

ADOPTED 02/25/2002

2002 Fiscal Ordinance Index

19 SPONSORED BY: Councillor Borst

DIGEST: approves an increase of \$349,600 in the 2002 Budgets of the County Auditor and Forensic Services Agency (Forensic Services Training Fund) to carry out the functions and duties of the laboratory, funded from the fees for training foreign and domestic students in forensic analysis and crime scene services

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 77, 2002

APPROVED BY MAYOR: 03/04/2002

JOURNAL PAGE: 429

ADOPTED 02/25/2002

20 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$5,608 in the 2002 Budget of the County Sheriff (State and Federal Grants Fund) to purchase 4 radar units and 14 personal breath testers, funded by a grant from the Governor's Council on Impaired & Dangerous Driving

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 89, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 455

ADOPTED 03/18/2002

21 SPONSORED BY: Councillors Dowden, Moriarty Adams

DIGEST: approves an increase of \$3,825 in the 2002 Budget of the Department of Public Safety, Animal Care and Control Division (Consolidated County Fund) to purchase bedding and mats for animals held at the shelter, financed by donations made for that purpose

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 91, 2002

APPROVED BY MAYOR: 03/28/2002

JOURNAL PAGE: 456

ADOPTED 03/18/2002

22 SPONSORED BY: Councillor Smith

DIGEST: approves a transfer of \$5,100 in the 2002 Budgets of the County Auditor and County Surveyor (County General Fund) to provide surveying services to IMAGIS in targeting specified control points for the 2002 aerial photography flyover

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 88, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 460

ADOPTED 03/18/2002

23 SPONSORED BY: Councillor Dowden

DIGEST: appropriates the Department of Corrections' increase of \$22,792 in the 2002 Budget of Community Corrections (Home Detention Fund) for FY 2001-02

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 116, 2002

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 478

ADOPTED 04/08/2002

24 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$650,000 in the 2002 Budget of Community Corrections (Home Detention Fund) to fund the housing of felons in the Corrections Center Component, funded by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 117, 2002

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 478

ADOPTED 04/08/2002

25 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: approves a re-appropriation of \$330,000 in the 2002 Budget of the Department of Public Works, Operations Division (Solid Waste Disposal Fund) to pay prior year expenditures in order to maintain current year expenditures from the current year budget, financed by fund balances

REFERRED TO: Public Works Committee

PROPOSAL NO. 121, 2002

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 479

ADOPTED 04/08/2002

2002 Fiscal Ordinance Index

26 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: approves an increase of \$205,000 in the 2002 Budget of the Department of Public Works, Operations Division (Sanitation Liquid Waste Fund) to pay prior year expenditures for sewer billing services in order to maintain current year expenditures from the current year budget, financed by fund balances

REFERRED TO: Public Works Committee

PROPOSAL NO. 122, 2002

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 480

ADOPTED 04/08/2002

27 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: approves an increase of \$2,665,000 in the 2002 Budget of the Department of Public Works, Operations Division (Sanitation Liquid Waste Fund) to pay prior year expenditures for wastewater collection services in order to maintain current year expenditures from the current year budget, financed by fund balances

REFERRED TO: Public Works Committee

PROPOSAL NO. 123, 2002

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 481

ADOPTED 04/08/2002

28 SPONSORED BY: Councillor Dowden

DIGEST: approves a transfer of \$25,000 in the 2002 Budget of the Marion County Justice Agency (Conditional Release Fund) to provide funds for the redesign project of the Conditional Release Office

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 118, 2002

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 485

ADOPTED 04/08/2002

29 SPONSORED BY: Councillor Bradford

DIGEST: approves an increase of \$19,600 in the 2002 Budgets of the County Auditor and the Cooperative Extension Service (County Grants Fund) to fund Character Education at after-school sites within the Indianapolis Public School system, funded by a grant from the Indianapolis Board of School Commissioners

REFERRED TO: Community Affairs Committee

PROPOSAL NO. 112, 2002

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 517

ADOPTED 04/29/2002

30 SPONSORED BY: Councillors Smith, Nytes

DIGEST: approves an increase of \$6,335,789 in the 2002 Budget of the Department of Metropolitan Development (State Grants, Federal Grants, Consolidated County, Redevelopment District Capital Projects, and Redevelopment Funds) for administering state and federal grants which provide affordable and supportive housing opportunities, community development, brownfield assessment and remediation, and economic development initiatives, financed by state and federal grants and fund balances

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 151, 2002

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 518

ADOPTED 04/29/2002

31 SPONSORED BY: Councillors Dowden, Moriarty Adams, Horseman

DIGEST: approves an increase of \$17,345 in the 2002 Budget of the Department of Public Safety, Animal Care and Control Division (Consolidated County Fund) for construction of a fence around the proposed exercise area at the animal shelter, financed by private donations

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 153, 2002

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 521

ADOPTED 04/29/2002

2002 Fiscal Ordinance Index

32 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$23,521 in the 2002 Budget of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to continue the Arrestee Drug Monitoring Program (ADAM), funded by a federal grant

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 155, 2002

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 522

ADOPTED 04/29/2002

33 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$21,500 in the 2002 Budget of the Marion County Justice Agency (Law Enforcement Fund) to purchase computer equipment for the County Sheriff, financed by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 156, 2002

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 522

ADOPTED 04/29/2002

34 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: approves an increase of \$84,000 in the 2002 Budget of the Department of Public Works, Policy and Planning Division (Storm Water Management Fund) to provide public and media relations consulting services for the Stormwater Management program, and to facilitate effective and timely communication with the non-residential property owners about the drainage program and the upcoming stormwater utility bills, financed by fund balances

REFERRED TO: Public Works Committee

PROPOSAL NO. 158, 2002

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 524

ADOPTED 04/29/2002

35 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: approves an appropriation of \$8,320,000 in the 2002 Budget of the Department of Public Works, Engineering Division (Sanitation Liquid Waste Fund) for Real Time Control early action combined sewer overflow (CSO) projects, financed by fund balances

REFERRED TO: Public Works Committee

PROPOSAL NO. 159, 2002

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 525

ADOPTED 04/29/2002

36 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: approves an appropriation of \$232,891 in the 2002 Budget of the Department of Public Works, Engineering Division (Federal Grants Fund) to further pollution control efforts on the West Fork of the White River, Fall Creek, and Pleasant Run, financed by federal funds

REFERRED TO: Public Works Committee

PROPOSAL NO. 160, 2002

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 526

ADOPTED 04/29/2002

37 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: approves an appropriation of \$2,500,000 in the 2002 Budget of the Department of Public Works, Engineering Division (Solid Waste Disposal Fund) to restore the stream bank along the White River near the former Tibbs Avenue and Banta Road landfill, financed by fund balances

REFERRED TO: Public Works Committee

PROPOSAL NO. 161, 2002

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 526

ADOPTED 04/29/2002

2002 Fiscal Ordinance Index

38 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: approves a transfer of \$60,000 in the 2002 Budget of the Department of Public Works, Policy and Planning Division (Sanitation Liquid Waste Fund) to purchase hardware associated with a network upgrade to the Belmont facility

REFERRED TO: Public Works Committee

PROPOSAL NO. 157, 2002

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 527

ADOPTED 04/29/2002

39 SPONSORED BY: Councillors Dowden, Moriarty Adams, Soards, Horseman, Talley

DIGEST: approves a transfer of \$135,000 in the 2002 Budget of the Department of Public Safety, Animal Care and Control Division (Consolidated County Fund) to pay salaries and benefits of five new staff positions who will perform various functions which are currently being done at the city's animal shelter by the Indianapolis Humane Society

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 154, 2002

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 542

ADOPTED 04/29/2002

40 SPONSORED BY: Councillors Dowden, Moriarty Adams, Soards

DIGEST: approves an appropriation of \$85,899 in the 2002 Budget of the Department of Public Safety, Emergency Management Planning Division (Consolidated County Fund) to add one Deputy Administrator and one Senior Coordinator, along with some associated operating costs, financed by fund balances and partial reimbursement from the State Emergency Management Agency

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 152, 2002

APPROVED BY MAYOR: 06/03/2002

JOURNAL PAGE: 564

ADOPTED 05/20/2002

41 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$202,462 in the 2002 Budget of the County Sheriff (State and Federal Grants Fund) for the reimbursement of prior expenses related to housing illegal aliens by the State Criminal Alien Assistance Program, funded by a grant from the Bureau of Justice Assistance

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 190, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 566

ADOPTED 05/20/2002

42 SPONSORED BY: Councillors Cockrum, Douglas

DIGEST: approves appropriations in the 2002 Budget of the Department of Parks and Recreation: an increase of \$229,877 (Federal Grants Fund) to continue the after-school programs for the 2001-2002 school year at Forest Manor School and School 108, financed by a federal grant (US Department of Education); and a transfer of \$60,240 (Park General Fund) to provide additional monitoring of wells at the Pleasant Run and Sarah Shank golf courses

REFERRED TO: Parks and Recreation Committee

PROPOSAL NO. 210, 2002

APPROVED BY MAYOR: 06/13/2002

JOURNAL PAGE: 567

ADOPTED 06/03/2002

43 SPONSORED BY: Councillor Langsford

DIGEST: approves a transfer of \$12,000 in the 2002 Budget of the County Coroner (County General Fund) to provide funds for data cable expenditures for the building on McCarty Street

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 187, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 570

ADOPTED 05/20/2002

2002 Fiscal Ordinance Index

44 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$220,240 in the 2002 Budgets of the County Auditor and the Marion County Public Defender Agency (State and Federal Grants Fund) to fund advocate alternative sentencing options and a Mental Health Coordinator, funded by a grant from the Indiana Criminal Justice Institute (Local match of \$73,413 is funded by the following existing appropriations: \$60,042 in the Marion County Public Defender Agency General Fund budget and \$13,371 from an outside agency [Midtown Mental Health].)

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 188, 2002

APPROVED BY MAYOR: 06/13/2002

JOURNAL PAGE: 600

ADOPTED 06/03/2002

45 SPONSORED BY: Councillors Langsford, Boyd, Nytes, Sanders

DIGEST: approves an appropriation of \$74,514 in the 2002 Budget of the Office of Corporation Counsel (Federal Grants Fund) to fund a Community Prosecutor and Paralegal to work in partnership with law enforcement and community groups on a full-time basis in order to enhance coordination between the City Prosecutor's Office, law enforcement and the community in addressing public safety and quality of life issues, financed by a federal grant

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 238, 2002

APPROVED BY MAYOR: 06/13/2002

JOURNAL PAGE: 601

ADOPTED 06/03/2002

46 SPONSORED BY: Councillors McWhirter, Boyd

DIGEST: approves an appropriation of \$54,000 in the 2002 Budget of the Office of Corporation Counsel (Consolidated County Fund) to add a staff attorney to provide legal representation to the Department of Waterworks as well as the Board of Waterworks, to be financed by revenues from the Department of Waterworks

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 237, 2002

APPROVED BY MAYOR: 06/13/2002

JOURNAL PAGE: 603

ADOPTED 06/03/2002

47 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$3,000 in the 2002 Budget of the County Sheriff (County Grants Fund) to purchase a laptop computer, data projector, and two portable projection screens, funded by a grant from the Target Corporation

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 239, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 604

ADOPTED 06/03/2002

48 SPONSORED BY: Councillors Dowden, Soards

DIGEST: approves an increase of \$6,000 in the 2002 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to fund a Protective Order Intake Clerk for the period from 04/01/02 through 06/30/02, financed by a grant from the Indiana Criminal Justice Institute

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 240, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 605

ADOPTED 06/03/2002

49 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$4,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (County Grants Fund) to fund a summer youth program, funded by a grant from the Indianapolis Foundation

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 242, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 606

ADOPTED 06/03/2002

2002 Fiscal Ordinance Index

50 SPONSORED BY: Councillors Dowden, Smith, Talley

DIGEST: approves an increase of \$3,000 in the 2002 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to provide salary support for an IVRP (Indianapolis Violence Reduction Partnership) coordinator, funded by a state grant

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 269, 2002

APPROVED BY MAYOR: 07/05/2002

JOURNAL PAGE: 623

ADOPTED 06/24/2002

51 SPONSORED BY: Councillors Dowden, Smith, Talley

DIGEST: approves an increase of \$350,000 in the 2002 Budget of Community Corrections (Home Detention Fund) to compensate the County for the housing of felons in the Corrections Center Component, financed by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 270, 2002

APPROVED BY MAYOR: 07/05/2002

JOURNAL PAGE: 624

ADOPTED 06/24/2002

52 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$316,142 in the 2002 Budget of Community Corrections (State and Federal Grants Fund) to appropriate carryover funds from FY 1999/2000 and FY 2000/2001 from adult and juvenile programs to compensate the County for the housing of felons in the Corrections Center Component

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 271, 2002

APPROVED BY MAYOR: 07/05/2002

JOURNAL PAGE: 625

ADOPTED 06/24/2002

53 SPONSORED BY: Councillors Dowden, Smith, Talley

DIGEST: approves an increase of \$182,775 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) to provide funding for a mental health component, funded by a state grant (Indiana Department of Correction Community Corrections Grant Program)

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 272, 2002

APPROVED BY MAYOR: 07/05/2002

JOURNAL PAGE: 625

ADOPTED 06/24/2002

54 SPONSORED BY: Councillors Dowden, Smith, Talley

DIGEST: approves an appropriation of \$22,792 in the 2002 Budget of Community Corrections (Home Detention Fund) to pay the rent and telephone expenses for an office at the Forest Manor Multi-Service Center, financed by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 273, 2002

APPROVED BY MAYOR: 07/05/2002

JOURNAL PAGE: 626

ADOPTED 06/24/2002

55 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: approves an appropriation of \$755,000 in the 2002 Budget of the Department of Public Works, Operations Division (Consolidated County Fund) to fund the expansion of the Abandoned Vehicle Program to process vehicles from private property, financed by fund balances

REFERRED TO: Public Works Committee

PROPOSAL NO. 275, 2002

APPROVED BY MAYOR: 07/05/2002

JOURNAL PAGE: 627

ADOPTED 06/24/2002

2002 Fiscal Ordinance Index

56 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: approves an increase of \$615,000 in the 2002 Budget of the Department of Public Works, Engineering Division (Storm Water Management Fund) to continue the stormwater billing system and finance a contract for account review services, financed by fund balances

REFERRED TO: Public Works Committee

PROPOSAL NO. 276, 2002

APPROVED BY MAYOR: 07/05/2002

JOURNAL PAGE: 628

ADOPTED 06/24/2002

57 SPONSORED BY: Councillors Dowden, Soards

DIGEST: approves a transfer of \$10,624 in the 2002 Budgets of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to provide salary support for the Metro Drug Task Force

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 268, 2002

APPROVED BY MAYOR: 07/05/2002

JOURNAL PAGE: 630

ADOPTED 06/24/2002

58 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$12,500 in the 2002 Budget of the Clerk of the Circuit Court (Clerk's Perpetuation Fund) to fund off-site storage of records and the electronic preservation of paternity and financial documents, financed by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 290, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 654

ADOPTED 07/22/2002

59 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$20,500 in the 2002 Budget of the Clerk of the Circuit Court (Enhanced Access Fund) to fund the Small Claims Court judgement docket program into the JUSTIS system and the data entry of divorce index books into an electronic database, financed by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 291, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 655

ADOPTED 07/22/2002

60 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$20,021 in the 2002 Budget of the Marion County Justice Agency and the County Auditor (State and Federal Grants Fund) to support the continuation of the Arrestee Drug Abuse Monitoring Program (ADAM), funded by a federal grant

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 292, 2002

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 655

ADOPTED 07/22/2002

61 SPONSORED BY: Councillors Dowden, Soards

DIGEST: approves an increase of \$25,368 in the 2002 Budget of the Marion County Justice Agency (Law Enforcement Fund) to reimburse the County Sheriff for 151 bulletproof vests, financed by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 293, 2002

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 656

ADOPTED 07/22/2002

62 SPONSORED BY: Councillors Dowden, Soards

DIGEST: approves an increase of \$25,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to continue funding for Child Advocates, Inc., funded by a grant from Indiana Criminal Justice Institute

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 296, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 657

ADOPTED 07/22/2002

2002 Fiscal Ordinance Index

63 SPONSORED BY: Councillors Dowden, Moriarty Adams

DIGEST: approves an appropriation of \$4,039 in the 2002 Budget of the Department of Public Safety, Emergency Management and Planning Division (Federal Grants Fund) to purchase a fax machine, communication equipment for FCC compliance, and equipment for decontamination and hazardous material cleanup, financed by grants from the US Department of Justice

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 297, 2002

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 657

ADOPTED 07/22/2002

64 SPONSORED BY: Councillors Dowden, Moriarty Adams

DIGEST: approves a transfer of \$136,400 in the 2002 Budget of the Department of Public Safety, Police Division (City Cumulative Capital Development Fund) to purchase supplies and accessories needed to outfit police vehicles

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 298, 2002

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 658

ADOPTED 07/22/2002

65 SPONSORED BY: Councillors Dowden, Moriarty Adams

DIGEST: approves an appropriation of \$229,939 in the 2002 Budget of the Department of Public Safety, Fire Division (Federal Grants Fund) to pay the costs incurred in managing the FEMA-sponsored Marion County Urban Search and Rescue Task Force-1 and to reimburse the Task Force for the costs of their deployment to the 2002 Winter Olympics in Salt Lake City, Utah, financed by federal funds

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 299, 2002

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 659

ADOPTED 07/22/2002

66 SPONSORED BY: Councillor Dowden

DIGEST: approves a transfer of \$8,890 in the 2002 Budgets of the County Auditor and Marion County Justice Agency (State and Federal Grants Fund) to provide sufficient funding for fringes for the Metro Drug Task Force Grant for FY 2001/2002

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 294, 2002

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 659

ADOPTED 07/22/2002

67 SPONSORED BY: Councillor Dowden

DIGEST: approves a transfer of \$102,024 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) to fund additional work release beds and day reporting slots

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 295, 2002

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 660

ADOPTED 07/22/2002

68 SPONSORED BY: Councillor McWhirter

DIGEST: approves an increase of \$25,000 in the 2002 Budget of the Wayne Township Assessor (State and Federal Grants Fund) to pay for wall repair, painting, carpet and floor covering, funded by a Build Indiana Grant

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 287, 2002

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 662

ADOPTED 07/22/2002

2002 Fiscal Ordinance Index

69 SPONSORED BY: Councillor McWhirter

DIGEST: approves an increase of \$2,032 in the 2002 Budget of the County Election Board (Campaign Finance Fines Fund) to fund mailings and manuals to publicize campaign finance requirements, financed by fund balances

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 288, 2002

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 662

ADOPTED 07/22/2002

70 SPONSORED BY: Councillors McWhirter, Nytes

DIGEST: approves an appropriation of \$287,000 in the 2002 Budget of the Cable Communications Agency (Consolidated County Fund) to purchase replacement cameras and other related video equipment used by WCTY/Channel 16, financed by a PEG grant (Public Educational or Governmental Access Facilities)

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 289, 2002

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 663

ADOPTED 07/22/2002

71 SPONSORED BY: Councillors Cockrum, Gray

DIGEST: approves a transfer and appropriation totaling \$1,001,402 in the 2002 Budget of the Department of Parks and Recreation (City Cumulative Capital Development Fund) to initiate several construction projects targeted for bid in the 2002 calendar year, financed by fund balance of 2001 unspent capital funds and a transfer between characters

REFERRED TO: Parks and Recreation Committee

PROPOSAL NO. 301, 2002

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 665

ADOPTED 07/22/2002

72 SPONSORED BY: Councillors Langsford, Gray

DIGEST: approves an appropriation of \$235,000 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) to renovate the parking lot and path of travel to the Whispering Hills clubhouse and first tee to make the facility accessible and to adhere to universal design for accessibility, financed by fund balances

REFERRED TO: Parks and Recreation Committee

PROPOSAL NO. 302, 2002

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 666

ADOPTED 07/22/2002

73 SPONSORED BY: Councillors Cockrum, Douglas

DIGEST: approves an appropriation of \$5,633,404 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) to fund architectural and engineering designs for six projects and for the construction of three projects, financed by a grant from Lilly Endowment, Inc. in 2001

REFERRED TO: Parks and Recreation Committee

PROPOSAL NO. 303, 2002

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 667

ADOPTED 07/22/2002

74 SPONSORED BY: Councillors Massie, Gray

DIGEST: approves a re-appropriation of \$63,549 in the 2002 Budget of the Department of Parks and Recreation (State Grants Fund) to complete beautification of the Central Canal in the Broad Ripple area and for a HVAC project at Garfield Park, financed by grants from the Build Indiana Fund

REFERRED TO: Parks and Recreation Committee

PROPOSAL NO. 304, 2002

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 667

ADOPTED 07/22/2002

2002 Fiscal Ordinance Index

75 SPONSORED BY: Councillors Cockrum, Nytes

DIGEST: approves an appropriation of \$33,916 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) to fund the following projects at Talbott and 29th Street Park: (1) to asphalt the brick driveway within the park, and (2) to purchase and install outdoor checkerboard tables, bleachers, and landscaping at the park, financed by a grant from Lilly Endowment

REFERRED TO: Parks and Recreation Committee

PROPOSAL NO. 305, 2002

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 668

ADOPTED 07/22/2002

76 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: approves an appropriation of \$375,000 in the 2002 Budget of the Department of Public Works, Engineering Division (State Grants Fund) for the purchase of equipment for research and development purposes for Dow AgroSciences LLC, financed by an Industrial Development Grant from the Indiana Department of Commerce

REFERRED TO: Public Works Committee

PROPOSAL NO. 306, 2002

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 669

ADOPTED 07/22/2002

77 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: approves an appropriation of \$108,942 in the 2002 Budget of the Department of Public Works, Engineering Division (Transportation General Fund) to complete infrastructure improvements near the downtown Eli Lilly & Company complex and other projects started in 2001, financed by a grant from Eli Lilly and Company

REFERRED TO: Public Works Committee

PROPOSAL NO. 307, 2002

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 670

ADOPTED 07/22/2002

78 SPONSORED BY: Councillor Borst

DIGEST: approves an appropriation of \$166,790 in the 2002 Budget of the City-County Council (Consolidated County Fund) to reappropriate funds spent on the review and analysis of the City's purchase of the Indianapolis Water Co., funded by fund balances

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 331, 2002

APPROVED BY MAYOR: 08/16/2002

JOURNAL PAGE: 691

ADOPTED 08/05/2002

79 SPONSORED BY: Councillors Sanders, Tilford

DIGEST: approves an appropriation of \$70,000 in the 2002 Budget of the Department of Administration, Fleet Services Division (Federal Grants Fund) to install a 5000 gallon above ground fuel tank, with canopy, at 1736 S. West Street, to dispense ethanol (E85) fuel, financed by a federal grant

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 332, 2002

APPROVED BY MAYOR: 08/16/2002

JOURNAL PAGE: 692

ADOPTED 08/05/2002

80 SPONSORED BY: Councillors Coughenour, Nytes

DIGEST: approves an appropriation of \$12,000 in the 2002 Budget of the Office of the Controller (Landmark Building Preservation Fund) to cover the cost of installing windows in the East Building of the City Market Building that are not covered by a \$10,000 grant received by the City Market Board, financed by fund balances

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 333, 2002

APPROVED BY MAYOR: 08/16/2002

JOURNAL PAGE: 692

ADOPTED 08/05/2002

2002 Fiscal Ordinance Index

81 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$225,000 in the 2002 Budget of the County Auditor (Cumulative Capital Fund) funded by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 334, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 694

ADOPTED 08/05/2002

82 SPONSORED BY: Councillor Dowden

DIGEST: approves a transfer of \$225,000 in the 2002 Budgets of the County Auditor, Prosecuting Attorney, and Community Corrections (County General Fund) to fully staff D-Felony level courts in parity with the Public Defender and increase the capacity of the Annex from 280 to 340 inmates, financed by a transfer from the County Auditor

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 335, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 695

ADOPTED 08/05/2002

83 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$201,249 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) to expand the capacity of the current Community Transition Program, funded by a state grant

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 336, 2002

APPROVED BY MAYOR: 08/16/2002

JOURNAL PAGE: 695

ADOPTED 08/05/2002

84 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$107,006 in the 2002 Budgets of the County Auditor and Community Corrections (Home Detention User Fee Fund) for additional staff due to the enormous growth in the Community Transition and Day Reporting Programs, and also due to jail overcrowding, financed by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 337, 2002

APPROVED BY MAYOR: 08/16/2002

JOURNAL PAGE: 696

ADOPTED 08/05/2002

85 SPONSORED BY: Councillors Dowden, Moriarty Adams

DIGEST: approves an appropriation of \$53,600 in the 2002 Budget of the Department of Public Safety, Emergency Management and Planning Division (Consolidated County Fund) to fund one new position for volunteer coordination during emergencies, financed by grants from the American Red Cross and the State Emergency Management Agency

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 338, 2002

APPROVED BY MAYOR: 08/16/2002

JOURNAL PAGE: 697

ADOPTED 08/05/2002

86 SPONSORED BY: Councillors Moriarty Adams, Soards

DIGEST: approves an appropriation of \$14,195 in the 2002 Budget of the Department of Public Safety, Police Division (Consolidated County Fund) to fund one new position to complete the physical registration process for all sex offenders required to register in Marion County, maintain the sex offender database for the City and County, and disseminate information regarding the registry, as required by IC 36-2-13-5.5, financed by partial reimbursement from the Marion County Sheriff's Department, and by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 339, 2002

APPROVED BY MAYOR: 08/16/2002

JOURNAL PAGE: 698

ADOPTED 08/05/2002

2002 Fiscal Ordinance Index

87 SPONSORED BY: Councillors Cockrum, Soards

DIGEST: approves a reappropriation of \$250,000 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) as partial funding for the purchase of 101 acres of the Mann Property, to be used for additional recreational facilities with direct access to the White River in Decatur Township, financed by fund balances

REFERRED TO: Parks and Recreation Committee

PROPOSAL NO. 340, 2002

APPROVED BY MAYOR: 08/16/2002

JOURNAL PAGE: 699

ADOPTED 08/05/2002

88 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$200,000 in the 2002 Budgets of the County Auditor and Prosecuting Attorney (State and Federal Grants Fund) to provide funding for the Street Level Advocate unit for salaries, professional development, public relations and community outreach, funded by a federal grant

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 379, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 720

ADOPTED 08/26/2002

89 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$465,000 in the 2002 Budgets of the County Auditor and Prosecuting Attorney (State and Federal Grants Fund) to appropriate Marion County Prosecutor Office's share of Block Grant #6 funds to be used to support the Street Level Advocate's salaries and fringes

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 380, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 720

ADOPTED 08/26/2002

90 SPONSORED BY: Councillors Dowden, Soards

DIGEST: approves an increase of \$50,000 in the 2002 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to provide for contractual and consulting services for an Alternative Dispute Resolution, funded by a federal grant

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 241, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 719

ADOPTED 08/26/2002

91 SPONSORED BY: Councillors Cockrum, Douglas

DIGEST: approves an appropriation of \$105,300 in the 2002 Budget of the Department of Parks and Recreation (Federal Grants Fund) to serve 40,000 - 45,000 lunches to needy children at 24 sites in Indianapolis (Summer Lunch Program), financed by a U.S. Department of Agriculture grant

REFERRED TO: Parks and Recreation Committee

PROPOSAL NO. 378, 2002

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 721

ADOPTED 08/26/2002

92 SPONSORED BY: Councillor Dowden

DIGEST: the annual budget for the Metropolitan Emergency Communications Agency for 2003

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 405, 2002

APPROVED BY MAYOR: 09/27/2002

JOURNAL PAGE: 787

ADOPTED 09/16/2002

93 SPONSORED BY: Councillors Borst, Boyd

DIGEST: appropriates the amounts necessary for payments for city sinking funds for the calendar year 2003

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 406, 2002

APPROVED BY MAYOR: / /

JOURNAL PAGE: 794

ADOPTED 09/16/2002

2002 Fiscal Ordinance Index

94 SPONSORED BY: Councillors Borst, Boyd

DIGEST: appropriates the amounts necessary for payments from the Revenue Bonds Debt Service Funds for 2003

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 407, 2002

APPROVED BY MAYOR: 09/27/2002

JOURNAL PAGE: 795

ADOPTED 09/16/2002

95 SPONSORED BY: Councillor Bradford

DIGEST: the annual budget for the Marion County Office of Family and Children for 2003

REFERRED TO: Community Affairs Committee

PROPOSAL NO. 409, 2002

APPROVED BY MAYOR: 09/27/2002

JOURNAL PAGE: 809

ADOPTED 09/16/2002

96 SPONSORED BY: Councillor Borst

DIGEST: the annual budget for 2003 for certain constitutional officers of Marion County and appropriates the amounts set forth herein for the purposes specified

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 402, 2002

APPROVED BY MAYOR: 09/27/2002

JOURNAL PAGE: 839

ADOPTED 09/16/2002

97 SPONSORED BY: Councillor Dowden

DIGEST: the annual budget for 2003 for certain Marion County judicial and law enforcement agencies and appropriates the amounts set forth herein for the purposes specified

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 403, 2002

APPROVED BY MAYOR: 09/27/2002

JOURNAL PAGE: 844

ADOPTED 09/16/2002

98 SPONSORED BY: Councillor Borst

DIGEST: the annual budget for 2003 for certain county agencies and appropriates the amounts set forth herein for the purposes specified

REFERRED TO: Administration & Finance and Community Affairs Committees

PROPOSAL NO. 404, 2002

APPROVED BY MAYOR: 09/27/2002

JOURNAL PAGE: 850

ADOPTED 09/16/2002

99 SPONSORED BY: Councillors Borst, Boyd

DIGEST: the annual budget for 2003 for the Consolidated City and appropriates the amounts set forth herein for the purposes specified

REFERRED TO: Administration & Finance, Metropolitan Development, Parks & Recreation, Public Safety & Criminal Justice, and Public Works Committees

PROPOSAL NO. 401, 2002

APPROVED BY MAYOR: 09/27/2002

JOURNAL PAGE: 856

ADOPTED 09/16/2002

100 SPONSORED BY: Councillor Borst

DIGEST: allocates certain miscellaneous revenues of the Consolidated City and Marion County to respective funds

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 408, 2002

APPROVED BY MAYOR: 09/27/2002

JOURNAL PAGE: 870

ADOPTED 09/16/2002

2002 Fiscal Ordinance Index

101 SPONSORED BY: Councillors Borst, Boyd

DIGEST: determines the tax levy for 2003 for each fund of the Consolidated City and Marion County

REFERRED TO: Administration & Finance, Metropolitan Development, Parks & Recreation, Public Safety &
Criminal Justice, and Public Works Committees

PROPOSAL NO. 410, 2002

APPROVED BY MAYOR: 09/27/2002

JOURNAL PAGE: 886

ADOPTED 09/16/2002

102 SPONSORED BY: Councillors Borst, Boyd

DIGEST: authorizes the payment of certain dues for the city and county offices and agencies

REFERRED TO: Administration & Finance, Metropolitan Development, Parks & Recreation, Public Safety &
Criminal Justice, and Public Works Committees

PROPOSAL NO. 411, 2002

APPROVED BY MAYOR: 09/27/2002

JOURNAL PAGE: 919

ADOPTED 09/16/2002

103 SPONSORED BY: Councillor Langsford

DIGEST: approves a transfer of \$37,000 in the 2002 Budget of the County Coroner (County General Fund) to cover cabling for building and other building maintenance expenses and to purchase a dog kennel for cadaver dogs

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 418, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 948

ADOPTED 09/16/2002

104 SPONSORED BY: Councillor Dowden

DIGEST: approves a transfer of \$13,199 in the 2002 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to support the continuation of the Arrestee Drug Abuse Monitoring Program

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 419, 2002

APPROVED BY MAYOR: 09/27/2002

JOURNAL PAGE: 949

ADOPTED 09/16/2002

105 SPONSORED BY: Councillor Bradford

DIGEST: approves an increase of \$30,000 in the 2002 Budgets of the County Auditor and the Cooperative Extension Service (County Grants Fund) to fund the program assistant position for one year, funded by a grant from the Indiana State Lawn Care Association

REFERRED TO: Community Affairs Committee

PROPOSAL NO. 438, 2002

APPROVED BY MAYOR: 10/20/2002

JOURNAL PAGE: 964

ADOPTED 10/07/2002

106 SPONSORED BY: Councillors Cockrum, Gray

DIGEST: approves an appropriation of \$236,184 in the 2002 Budget of the Department of Parks and Recreation (Non-Lapsing Federal Grants Fund) to establish and continue after school youth programs at several IPS and Indy Park sites, financed by federal grants

REFERRED TO: Parks and Recreation Committee

PROPOSAL NO. 442, 2002

APPROVED BY MAYOR: 10/20/2002

JOURNAL PAGE: 965

ADOPTED 10/07/2002

107 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$95,652 in the 2002 Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) to fund a specially trained OVWI (Operating a Vehicle While Intoxicated) Fatality Prosecutor, funded by a grant from the Governor's Council on Impaired and Dangerous Driving and the National Highway Traffic Safety Administration

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 444, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 966

ADOPTED 10/07/2002

2002 Fiscal Ordinance Index

108 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$200,000 in the 2002 Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) for seat belt and drunk driving enforcement and public information campaign in Marion County, funded by a grant from the Governor's Council on Impaired and Dangerous Driving and the National Highway Traffic Safety Administration

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 445, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 967

ADOPTED 10/07/2002

109 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$244,000 in the 2002 Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) to fund a drunk driving enforcement project in Marion County, funded by a grant from the Governor's Council on Impaired and Dangerous Driving and the National Highway Traffic Safety Administration

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 446, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 968

ADOPTED 10/07/2002

110 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$3,609 in the 2002 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to appropriate the difference between the 2002 Grant Book and the amount awarded for A Child's Haven

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 447, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 969

ADOPTED 10/07/2002

111 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$5,352 in the 2002 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to appropriate the difference between the 2002 Grant Book and the amount awarded for the Julian Center

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 448, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 969

ADOPTED 10/07/2002

112 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$86,232 in the 2002 Budget of the Marion County Superior Court (State and Federal Grants Fund) to continue treatment readiness evaluations by CASI (Community Addiction Services of Indiana) and implement a web site for Community Court information, funded by a grant from the Indiana Criminal Justice Institute

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 449, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 970

ADOPTED 10/07/2002

113 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$150,000 in the 2002 Budget of the Marion County Superior Court (Jury Pay Fund) to pay for a death penalty case, financed by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 451, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 971

ADOPTED 10/07/2002

2002 Fiscal Ordinance Index

114 SPONSORED BY: Councillors Cockrum, Gray

DIGEST: approves a transfer totaling \$40,000 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) to demolish the clubhouse at Smock Golf Course

REFERRED TO: Parks and Recreation Committee

PROPOSAL NO. 443, 2002

APPROVED BY MAYOR: 10/20/2002

JOURNAL PAGE: 983

ADOPTED 10/07/2002

115 SPONSORED BY: Councillor Dowden

DIGEST: approves a transfer of \$180,000 in the 2002 Budget of the Marion County Superior Court (County General Fund) to pay for outsourcing contracts and law library books

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 452, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 984

ADOPTED 10/07/2002

116 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$40,000 in the 2002 Budget of the Marion County Superior Court (County Grants Fund) to pay for exterior improvements to the Community Court building, funded by the Department of Metropolitan Development's Community Enhancement Funds

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 450, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1001

ADOPTED 10/28/2002

117 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$2,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) for the purchase of supplies for two children's programs, funded by a grant from Alliance with Indiana

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 453, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1002

ADOPTED 10/28/2002

118 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$70,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (Guardian Ad Litem Fund) to increase funding to Child Advocates, Inc., funded by revenue received from the State of Indiana

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 454, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1003

ADOPTED 10/28/2002

119 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$50,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (Juvenile Probation Fees Fund) to remodel the Juvenile Probation office, financed by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 455, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1003

ADOPTED 10/28/2002

120 SPONSORED BY: Councillors Cockrum, Douglas

DIGEST: approves an increase of \$575,000 in the 2002 Budget of the Department of Parks and Recreation (Transportation General Fund) to pay for the collection and removal of trees and related debris from public rights-of-way resulting from the tornadoes of September 20, 2002, financed by fund balances

REFERRED TO: Parks and Recreation Committee

PROPOSAL NO. 487, 2002

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1006

ADOPTED 10/28/2002

2002 Fiscal Ordinance Index

121 SPONSORED BY: Councillors Cockrum, Gray

DIGEST: approves an increase of \$168,750 in the 2002 Budget of the Department of Parks and Recreation (City Cumulative Capital Development Fund) to fund the DPR portion of payment for Cottonwood Lakes at approximately 8900 South Mann Road, as well as complete the purchase of the Mann Property, making Southwestway Park the second largest park in Marion County, financed by fund balances

REFERRED TO: Parks and Recreation Committee

PROPOSAL NO. 488, 2002

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1007

ADOPTED 10/28/2002

122 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$175,000 in the 2002 Budget of the County Sheriff (State and Federal Grants Fund) for expenses related to the Local Law Enforcement Block Grant # 6, funded by grant from the Bureau of Justice Programs

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 489, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1008

ADOPTED 10/28/2002

123 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$125,000 in the 2002 Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) to cover the expenses of the Multi-Agency Law Enforcement Fatal Crash Team, funded by grant from the Governor's Council on Impaired and Dangerous Driving and the National Highway Traffic Safety Administration

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 490, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1009

ADOPTED 10/28/2002

124 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$11,135 in the 2002 Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) to cover the expenses of the Fathers That Work Program, funded by a grant from the State of Indiana

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 491, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1010

ADOPTED 10/28/2002

125 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$50,000 in the 2002 Budgets of the County Auditor and the Marion County Superior Court (State and Federal Grants Fund) to cover expenses related to the Local Law Enforcement Block Grant # 6, funded by grant from the Bureau of Justice Programs

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 492, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1010

ADOPTED 10/28/2002

126 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$1,070,567 in the 2002 Budgets of the County Auditor and the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to appropriate the Juvenile Accountability Incentive Block Grant #4 from the Indiana Criminal Justice Institute (Local match of \$20,968 is funded by existing appropriations in the Marion County Justice Agency and Marion County Superior Court)

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 495, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1011

ADOPTED 10/28/2002

2002 Fiscal Ordinance Index

127 SPONSORED BY: Councillor Dowden

DIGEST: approves a transfer of \$28,065 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to fund additional expenses for the Juvenile Accountability Incentive Block Grant #3

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 494, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1029

ADOPTED 10/28/2002

128 SPONSORED BY: Councillors Dowden, Moriarty Adams

DIGEST: approves a transfer of \$70,000 in the 2002 Budget of the Department of Public Safety, Animal Care and Control Division (Consolidated County Fund) to pay for additional animal supplies and clothing supplies for new field and kennel employees, and to fund a consultant study of the Care and Control sections of this division

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 497, 2002

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1029

ADOPTED 10/28/2002

129 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$45,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (County General Fund) to increase funding in the food budget for the remainder of 2002, funded by revenues from the School Lunch Program

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 456, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1053

ADOPTED 11/11/2002

130 SPONSORED BY: Councillors Dowden, Talley, Douglas

DIGEST: approves an increase of \$461,000 in the 2002 Budget of the Office of the Controller (Consolidated County General Fund) to cover the cost of up to 98 jail beds from September through December, financed by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 530, 2002

APPROVED BY MAYOR: 11/22/2002

JOURNAL PAGE: 1053

ADOPTED 11/11/2002

131 SPONSORED BY: Councillors Smith, Douglas

DIGEST: approves an increase of \$365,000 in the 2002 Budget of the Department of Metropolitan Development (Federal Grants and Non-Lapsing State Grants Funds) to fund engineering costs for the clay cap for the Special Soils Area of the Keystone Enterprise Park as well as Phase II environmental assessment costs for the same area, financed by federal and state grants (Brownfield Economic Development Initiative and Indiana Development Finance Authority)

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 525, 2002

APPROVED BY MAYOR: 11/22/2002

JOURNAL PAGE: 1054

ADOPTED 11/11/2002

132 SPONSORED BY: Councillors Coughenour, Knox

DIGEST: approves an increase of \$4,236,000 in the 2002 Budget of the Department of Public Works, Engineering Division (Redevelopment District Capital Projects Fund and Transportation General Fund) to provide the local match and inspection fees for several projects, financed by fund balances

REFERRED TO: Public Works Committee

PROPOSAL NO. 533, 2002

APPROVED BY MAYOR: 11/22/2002

JOURNAL PAGE: 1056

ADOPTED 11/11/2002

2002 Fiscal Ordinance Index

133 SPONSORED BY: Councillors Coughenour, Knox

DIGEST: approves an increase of \$80,000 in the 2002 Budget of the Department of Public Works, Engineering Division (Transportation General Fund) to study four intersections for potential operational and safety improvements, financed by a grant from State Farm Insurance Company

REFERRED TO: Public Works Committee

PROPOSAL NO. 534, 2002

APPROVED BY MAYOR: 11/22/2002

JOURNAL PAGE: 1057

ADOPTED 11/11/2002

134 SPONSORED BY: Councillor Dowden

DIGEST: approves a transfer of \$25,000 in the 2002 Budget of the Forensic Services Agency (County General Fund) to allow payment of unanticipated expense in character three

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 531, 2002

APPROVED BY MAYOR: 11/22/2002

JOURNAL PAGE: 1068

ADOPTED 11/11/2002

135 SPONSORED BY: Councillor Dowden

DIGEST: approves a transfer of \$47,000 in the 2002 Budget of the Marion County Superior Court (County General Fund) to fund safety improvements for jury boxes and witness chairs in center tower courts

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 532, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1068

ADOPTED 11/11/2002

136 SPONSORED BY: Councillor Sanders

DIGEST: approves of temporary tax anticipation borrowing for the City of Indianapolis during the period from January 1, 2003, through December 31, 2003

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 556, 2002

APPROVED BY MAYOR: 12/06/2002

JOURNAL PAGE: 1085

ADOPTED 11/25/2002

137 SPONSORED BY: Councillor Sanders

DIGEST: approves of temporary tax anticipation borrowing for Marion County, Indiana, during the period from January 1, 2003, through December 31, 2003

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 557, 2002

APPROVED BY MAYOR: 12/06/2002

JOURNAL PAGE: 1089

ADOPTED 11/25/2002

138 SPONSORED BY: Councillor McWhirter

DIGEST: approves an increase of \$4,875,880 in the 2002 Budget of the County Auditor (County General Fund) to fund the increase in health insurance premiums, funded by fund balances

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 558, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1093

ADOPTED 11/25/2002

139 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$70,000 in the 2002 Budget of the County Sheriff (Cumulative Capital Development Fund) for the purchase of three transportation vans, financed by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 560, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1094

ADOPTED 11/25/2002

2002 Fiscal Ordinance Index

140 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$40,560 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) to fund an additional appropriation for the Probation Department so they may expand their ability to assist in the process of screening and tracking Community Transition Program offenders, funded by a state grant (Department of Correction, Community Correction Grant Program)

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 562, 2002

APPROVED BY MAYOR: 12/06/2002

JOURNAL PAGE: 1095

ADOPTED 11/25/2002

141 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: approves an appropriation of \$220,000 in the 2002 Budget of the Department of Public Works, (Transportation General Fund) to fund overtime hours used to clean up after the storms of September 20, 2002, financed by fund balances

REFERRED TO: Public Works Committee

PROPOSAL NO. 564, 2002

APPROVED BY MAYOR: 12/06/2002

JOURNAL PAGE: 1096

ADOPTED 11/25/2002

142 SPONSORED BY: Councillors Langsford, Nytes

DIGEST: approves a transfer of \$175,000 in the 2002 Budget of the Department of Administration, Fleet Services Division (Consolidated County Fund) to cover costs for an upgrade of the Fleet Management System (M5) which will streamline workflow processes and improve responsiveness

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 524, 2002

APPROVED BY MAYOR: 12/06/2002

JOURNAL PAGE: 1102

ADOPTED 11/25/2002

143 SPONSORED BY: Councillors Cockrum, Douglas

DIGEST: approves a transfer of \$400,000 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) to fund staffing for two year-round swimming pools (Forest Manor and Washington Middle Schools) unanticipated in the 2002 budget, as well as overtime needs for storm clean-up from September 20, 2002

REFERRED TO: Parks and Recreation Committee

PROPOSAL NO. 559, 2002

APPROVED BY MAYOR: 12/06/2002

JOURNAL PAGE: 1103

ADOPTED 11/25/2002

144 SPONSORED BY: Councillor Dowden

DIGEST: approves a transfer of \$500,000 in the 2002 Budget of the County Sheriff (County General Fund) to provide for the shortage of money in the 2002 budget for gasoline

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 561, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1104

ADOPTED 11/25/2002

145 SPONSORED BY: Councillor Dowden

DIGEST: approves a transfer of \$102,024 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) to fund additional work release beds and day reporting slots, and rescinds Fiscal Ordinance No. 67, 2002, due to incorrect transfer of dollar amount

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 563, 2002

APPROVED BY MAYOR: 12/06/2002

JOURNAL PAGE: 1104

ADOPTED 11/25/2002

2002 Fiscal Ordinance Index

146 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: approves a transfer of \$250,000 in the 2002 Budget of the Department of Public Works, Operation Division (Transportation General Fund) to pay for renovation to the silk screen room within the sign paint shop to improve ventilation and to construct a pole barn for equipment storage

REFERRED TO: Public Works Committee

PROPOSAL NO. 565, 2002

APPROVED BY MAYOR: 12/06/2002

JOURNAL PAGE: 1105

ADOPTED 11/25/2002

147 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$25,000 in the 2002 Budget of the County Treasurer (Enhanced Access Fund) to reimburse member agencies for enhanced access expenses, financed by fund balances

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 571, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1127

ADOPTED 12/16/2002

148 SPONSORED BY: Councillor Dowden

DIGEST: approves an increase of \$19,844 in the 2002 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to fund the Protective Order Pro Bono Project, funded by a federal grant

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 574, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1128

ADOPTED 12/16/2002

149 SPONSORED BY: Councillor McWhirter

DIGEST: approves an increase of \$50,402 in the 2002 Budget of the Clerk of the Circuit Court (Clerk's Perpetuation Fund) to fund computer upgrades, financed by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 576, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1129

ADOPTED 12/16/2002

150 SPONSORED BY: Councillors Dowden, Soards

DIGEST: approves an increase of \$15,000 in the 2002 Budgets of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to provide support for criminal history integration with statewide data, funded by a grant from the Indiana Criminal Justice Institute

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 577, 2002

APPROVED BY MAYOR: 12/24/2002

JOURNAL PAGE: 1130

ADOPTED 12/16/2002

151 SPONSORED BY: Councillors Cockrum, Douglas

DIGEST: approves a transfer of \$30,000 in the 2002 Budget of the Department of Parks and Recreation (Federal Non-lapsing Grants Fund) to continue the after-school programs at Forest Manor School and School 108 for the 2002-2003 school year

REFERRED TO: Parks and Recreation Committee

PROPOSAL NO. 572, 2002

APPROVED BY MAYOR: 12/24/2002

JOURNAL PAGE: 1133

ADOPTED 12/16/2002

152 SPONSORED BY: Councillor Dowden

DIGEST: approves a transfer of \$44,656 in the 2002 Budget of the Clerk of the Circuit Court (County General Fund) to fund increased postal expenses and the completion of bank reconciliations by an accounting firm

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 575, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1134

ADOPTED 12/16/2002

2002 Fiscal Ordinance Index

153 SPONSORED BY: Councillor Dowden

DIGEST: approves a transfer of \$59,715 in the 2002 Budgets of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to support the continuation of the Arrestee Drug Abuse Monitoring Program (ADAM) from October 1, 2002, to September 30, 2003

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 578, 2002

APPROVED BY MAYOR: 12/24/2002

JOURNAL PAGE: 1135

ADOPTED 12/16/2002

2002 Special Ordinance Index

1 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: authorizes the assignment of Indianapolis Water Company's liabilities and obligations under the 1998 Bonds to the Waterworks District, and authorizes the 1998 Bonds to be payable from the net revenues of the Waterworks District

REFERRED TO: Public Works Committee

PROPOSAL NO. 100, 2002

APPROVED BY MAYOR: 03/21/2002

JOURNAL PAGE: 454

ADOPTED 03/18/2002

2 SPONSORED BY: Councillor Smith

DIGEST: an inducement resolution for Tara Apartments in an amount not to exceed \$9,000,000 which consists of the rehabilitation of a 228-unit, pre-existing apartment complex on an approximately 11.535 acre parcel of real estate located at 3287 East Tara Court (District 8)

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 186, 2002

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 515

ADOPTED 04/29/2002

3 SPONSORED BY: Councillor Smith

DIGEST: a final resolution and public hearing for Herman Associates, Inc. in an amount not to exceed \$14,000,000 which project consists of the rehabilitation of a 344-unit pre-existing apartment complex on an approximately 22.04 acre parcel of real estate located at 3215 North Alton Avenue (District 9)

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 328, 2002

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 650

ADOPTED 07/22/2002

4 SPONSORED BY: Councillors Dowden, Talley

DIGEST: requests to fund MECA operations in calendar year 2003 with County Option Income Tax revenue in the amount of \$2,750,000

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 300, 2002

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 661

ADOPTED 07/22/2002

5 SPONSORED BY: Councillor Smith

DIGEST: a final resolution and public hearing for Pleasant Run Apartments not to exceed \$13,000,000 which project consists of the acquisition and rehabilitation of a 252-unit apartment complex on an approximately 16 acre parcel of land located at 1366 North Arlington Avenue (District 12)

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 329, 2002

APPROVED BY MAYOR: 08/16/2002

JOURNAL PAGE: 700

ADOPTED 08/05/2002

6 SPONSORED BY: Councillor Massie

DIGEST: authorizes the transfer of control of Cable Television Franchise from Time Warner Entertainment-Advance Newhouse Partnership to TWEAN Subsidiary, LLC

REFERRED TO: Rules and Public Policy Committee

PROPOSAL NO. 522, 2002

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1033

ADOPTED 10/28/2002

7 SPONSORED BY: Councillor Smith

DIGEST: a final resolution for Canal Square Associates, L.P. in an amount not to exceed \$12,300,000 which consists of refinancing the acquisition, construction and equipping of an existing 275-unit multifamily residential facility located on approximately 3.1 acres of land located at 402 West New York Street (District 16)

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 591, 2002

APPROVED BY MAYOR: 12/24/2002

JOURNAL PAGE: 1125

ADOPTED 12/16/2002

2002 General Resolution Index

1 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: approves the issuance of one or more series of City of Indianapolis, Indiana Waterworks District Revenue Bonds (Bonds) and, if necessary, one or more series of bond anticipation notes (BANs) in an aggregate principal amount not to exceed \$625,000,000 and approves and authorizes the Management Agreement and other actions in respect thereto

REFERRED TO: Public Works Committee

PROPOSAL NO. 101, 2002

APPROVED BY MAYOR: 03/21/2002

JOURNAL PAGE: 453

ADOPTED 03/18/2002

2 SPONSORED BY: Councillors Brents, Nytes

DIGEST: authorizes the Department of Public Works to implement a parking meter blockout on Monument Circle on May 24, 2002

REFERRED TO: Public Works Committee

PROPOSAL NO. 124, 2002

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 487

ADOPTED 04/08/2002

3 SPONSORED BY: Councillors Cockrum, Douglas

DIGEST: approves certain public purpose grants totaling \$1,250,000 for the support of the arts

REFERRED TO: Parks and Recreation Committee

PROPOSAL NO. 266, 2002

APPROVED BY MAYOR: 06/13/2002

JOURNAL PAGE: 591

ADOPTED 06/03/2002

4 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: establishes that the City-County Council is interested in making the purchase of approximately 1.5 acres located at 1711 East 39th Street

REFERRED TO: Public Works Committee

PROPOSAL NO. 243, 2002

APPROVED BY MAYOR: 07/05/2002

JOURNAL PAGE: 629

ADOPTED 06/24/2002

5 SPONSORED BY: Councillor

DIGEST: approves the schedules of ordinance violations for the Town of Cumberland

REFERRED TO: Rules and Public Policy Committee

PROPOSAL NO. 342, 2002

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 733

ADOPTED 08/26/2002

6 SPONSORED BY: Councillor Tilford

DIGEST: reviews, modifies, and approves the operating and maintenance budget and tax levies of the Indianapolis Airport Authority District

REFERRED TO: Municipal Corporations Committee

PROPOSAL NO. 412, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 816

ADOPTED 09/16/2002

7 SPONSORED BY: Councillor Tilford

DIGEST: reviews, modifies, and approves the operating and maintenance budget and tax levies of the Capital Improvement Board of Managers of Marion County

REFERRED TO: Municipal Corporations Committee

PROPOSAL NO. 413, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 819

ADOPTED 09/16/2002

2002 General Resolution Index

8 SPONSORED BY: Councillor Tilford

DIGEST: reviews, modifies, and approves the operating and maintenance budget and tax levies of the Health and Hospital Corporation of Marion County

REFERRED TO: Municipal Corporations Committee

PROPOSAL NO. 414, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 822

ADOPTED 09/16/2002

9 SPONSORED BY: Councillor Tilford

DIGEST: reviews, modifies, and approves the operating and maintenance budget and tax levies of the Indianapolis-Marion County Public Library Board

REFERRED TO: Municipal Corporations Committee

PROPOSAL NO. 415, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 829

ADOPTED 09/16/2002

10 SPONSORED BY: Councillor Tilford

DIGEST: reviews, modifies, and approves the operating and maintenance budget and tax levies of the Indianapolis Public Transportation Corporation

REFERRED TO: Municipal Corporations Committee

PROPOSAL NO. 416, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 832

ADOPTED 09/16/2002

11 SPONSORED BY: Councillor Douglas

DIGEST: approves the issuance of "City of Indianapolis, Indiana, Redevelopment District Annual Appropriation Revenue Bonds of 2002," in an original aggregate issued amount not to exceed Five Million Dollars to complete necessary improvements in the 82 acre Martindale Brightwood Industrial Development Area/Keystone Enterprise Park located at I-70 and Keystone Avenue

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 486, 2002

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1004

ADOPTED 10/28/2002

12 SPONSORED BY: Councillor Brents

DIGEST: approves the proposed refinancing of portions of Consolidated Redevelopment Area debt

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 537, 2002

APPROVED BY MAYOR: 11/22/2002

JOURNAL PAGE: 1058

ADOPTED 11/11/2002

13 SPONSORED BY: Councillors Nytes, McWhirter

DIGEST: approves the issuance of TIF bonds to repay 2001 BAN for Fall Creek Place (Home Ownership Zone)

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 538, 2002

APPROVED BY MAYOR: 12/06/2002

JOURNAL PAGE: 1083

ADOPTED 11/25/2002

14 SPONSORED BY: Councillor Dowden

DIGEST: approves certain public purpose grants totaling \$600,000 from the Drug Free Community Fund for 2003

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 594, 2002

APPROVED BY MAYOR: 12/24/2002

JOURNAL PAGE: 1119

ADOPTED 12/16/2002

2002 Special Resolution Index

1 SPONSORED BY: Councillors Soards, Dowden

DIGEST: congratulates and welcomes Dr. Bobby Fong, the 20th President of Butler University

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 39, 2002

APPROVED BY MAYOR: 01/10/2002

JOURNAL PAGE: 6

ADOPTED 01/07/2002

2 SPONSORED BY: Councillors Gray, Boyd

DIGEST: recognizes retiring Indianapolis Police Department Captain Cephas L. Bandy for his 41 years of police service

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 54, 2002

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 17

ADOPTED 01/28/2002

3 SPONSORED BY: Councillor Coonrod

DIGEST: recognizes the Marion County Auditor's Office for earning the Government Finance Officers Association's Budget Presentation and Financial Reporting Awards

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 69, 2002

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 18

ADOPTED 01/28/2002

4 SPONSORED BY: Councillor Smith

DIGEST: an inducement resolution for Pleasant Run Apartments not to exceed \$13,000,000 which consists of the acquisition and rehabilitation of a 252-unit apartment complex on an approximately 16 acre parcel of land located at 1366 North Arlington Ave. (District 12)

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 41, 2002

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 32

ADOPTED 01/28/2002

5 SPONSORED BY: Councillors Dowden, Moriarty Adams, Talley

DIGEST: approves the preliminary determination for Marion County to amend its lease with Building Authority in connection with its financing of improvements to a portion of the structures and improvements located at 730 East Washington Street and 752 East Market Street

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 697, 2001

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 37

ADOPTED 01/28/2002

6 SPONSORED BY: Councillors Tilford, Short

DIGEST: initiates committee review of proposed IndyGo debt issuance not to exceed \$5 million

REFERRED TO: Municipal Corporations Committee

PROPOSAL NO. 699, 2001

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 375

ADOPTED 01/28/2002

7 SPONSORED BY: Councillors Boyd, Schneider

DIGEST: congratulates the Arlington High School Golden Knights boys basketball team for winning the 63rd annual city tournament

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 79, 2002

APPROVED BY MAYOR: 02/22/2002

JOURNAL PAGE: 394

ADOPTED 02/11/2002

2002 Special Resolution Index

8 SPONSORED BY: Councillor Coonrod

DIGEST: congratulates Alan Dhayer and Indianapolis Cable TV Channel 16 for receiving a national public awareness award from Mothers Against Drunk Drivers

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 81, 2002

APPROVED BY MAYOR: 02/22/2002

JOURNAL PAGE: 395

ADOPTED 02/11/2002

9 SPONSORED BY: Councillor Cockrum

DIGEST: determines that there is an interest in purchasing the real estate and structure at 6230 Valley Lane for the Department of Parks and Recreation

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 694, 2001

APPROVED BY MAYOR: 02/22/2002

JOURNAL PAGE: 408

ADOPTED 02/11/2002

10 SPONSORED BY: Councillor Cockrum

DIGEST: determines that there is a need to lease additional office space at 3549 Boulevard Place for the Department of Parks and Recreation

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 695, 2001

APPROVED BY MAYOR: 02/22/2002

JOURNAL PAGE: 409

ADOPTED 02/11/2002

11 SPONSORED BY: Councillor Dowden

DIGEST: determines the need to lease office space at 3500 Lafayette Road for the Westside Community Office of the Marion Superior Court, Probation Department, Adult Services Division

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 2, 2002

APPROVED BY MAYOR: 02/13/2002

JOURNAL PAGE: 411

ADOPTED 02/11/2002

12 SPONSORED BY: Councillor Borst

DIGEST: recognizes the contributions of Dr. Jeffrey P. Bonner, President and Chief Executive Officer of the Indianapolis Zoological Society from 1993 to 2002

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 106, 2002

APPROVED BY MAYOR: 03/04/2002

JOURNAL PAGE: 419

ADOPTED 02/25/2002

13 SPONSORED BY: Councillors Borst, SerVaas

DIGEST: recognizes long time civic leader James T. Morris

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 107, 2002

APPROVED BY MAYOR: 03/04/2002

JOURNAL PAGE: 420

ADOPTED 02/25/2002

14 SPONSORED BY: Councillor Tilford

DIGEST: welcomes the new Home Depot home improvement store to 2225 North Post Road and the two other Indianapolis locations

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 108, 2002

APPROVED BY MAYOR: 03/04/2002

JOURNAL PAGE: 421

ADOPTED 02/25/2002

2002 Special Resolution Index

15 SPONSORED BY: Councillors Short, Massie

DIGEST: recognizes that the City of Indianapolis and the State of Indiana should observe Daylight Saving Time

REFERRED TO: Rules and Public Policy Committee

PROPOSAL NO. 574, 2001

APPROVED BY MAYOR: 03/04/2002

JOURNAL PAGE: 430

ADOPTED 02/25/2002

16 SPONSORED BY: Councillor Coughenour

DIGEST: remembers the life and contributions to Indianapolis by civil engineer Ronald Wakasch

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 80, 2002

APPROVED BY MAYOR: 03/28/2002

JOURNAL PAGE: 437

ADOPTED 03/18/2002

17 SPONSORED BY: Councillors Moriarty Adams, Langsford

DIGEST: recognizes the Centennial Anniversary of Indianapolis' annexation of Irvington

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 137, 2002

APPROVED BY MAYOR: 03/28/2002

JOURNAL PAGE: 438

ADOPTED 03/18/2002

18 SPONSORED BY: Councillors Gibson, Short

DIGEST: recognizing The Children's Museum of Indianapolis

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 138, 2002

APPROVED BY MAYOR: 03/28/2002

JOURNAL PAGE: 439

ADOPTED 03/18/2002

19 SPONSORED BY: Councillors Coonrod, Dowden

DIGEST: recognizes and thanks Indiana State Treasurer Tim Berry for his innovative \$5 million state assistance for Indianapolis police and fire pension funding

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 139, 2002

APPROVED BY MAYOR: 03/28/2002

JOURNAL PAGE: 440

ADOPTED 03/18/2002

20 SPONSORED BY: Councillor Conley

DIGEST: recognizes motivator and Hoosier Minority Chamber of Commerce President Linda Clemons

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 140, 2002

APPROVED BY MAYOR: 03/28/2002

JOURNAL PAGE: 440

ADOPTED 03/18/2002

21 SPONSORED BY: Councillor Talley

DIGEST: recognizes Cieare Horton

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 176, 2002

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 467

ADOPTED 04/08/2002

22 SPONSORED BY: Councillor Talley

DIGEST: recognizes Deacon James Meyers

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 177, 2002

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 468

ADOPTED 04/08/2002

2002 Special Resolution Index

23 SPONSORED BY: Councillor Bainbridge

DIGEST: recognizes the Speedway Sparkplugs for their first-ever state basketball championship title

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 178, 2002

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 469

ADOPTED 04/08/2002

24 SPONSORED BY: Councillors Coughenour, Brents

DIGEST: determines the need to lease office space at 1375 West 16th Street for the Department of Public Works

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 86, 2002

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 484

ADOPTED 04/08/2002

25 SPONSORED BY: Councillors Nytes, Sanders

DIGEST: congratulates the Junior League of Indianapolis upon their 80th Anniversary

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 180, 2002

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 469

ADOPTED 04/08/2002

26 SPONSORED BY: Councillors Talley, Langsford

DIGEST: commends Flanner and Buchanan Funeral Centers, Washington Park Cemetery Association, Inc. and Catholic Cemeteries Association for their children's bicycle helmet safety initiative

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 181, 2002

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 470

ADOPTED 04/08/2002

27 SPONSORED BY: Councillors Horseman, Conley, Gibson, Sanders

DIGEST: recognizes Fiesta Indianapolis' Cinco de Mayo community celebration on May 5

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 213, 2002

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 503

ADOPTED 04/29/2002

28 SPONSORED BY: Councillors Horseman, Sanders, Nytes

DIGEST: recognizes world champion powerlifter Michelle Amsden

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 214, 2002

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 503

ADOPTED 04/29/2002

29 SPONSORED BY: Councillors Sanders, Black, Horseman

DIGEST: recognizes Workers Memorial Day that was celebrated April 28, 2002

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 215, 2002

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 504

ADOPTED 04/29/2002

30 SPONSORED BY: Councillor Talley

DIGEST: recognizes the Honorable Bishop S. C. Madison of the United House of Prayer For All People

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 216, 2002

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 505

ADOPTED 04/29/2002

2002 Special Resolution Index

31 SPONSORED BY: Councillors Horseman, Boyd, SerVaas

DIGEST: welcomes Mexican Consul, Honorable Sergio Aquilera, to Indianapolis

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 247, 2002

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 554

ADOPTED 05/20/2002

32 SPONSORED BY: Councillors Smith, Short

DIGEST: recognizes the 15th Anniversary of the Greek Islands Restaurant

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 236, 2002

APPROVED BY MAYOR: 05/09/2002

JOURNAL PAGE: 506

ADOPTED 04/29/2002

33 SPONSORED BY: Councillors Tilford, Langsford

DIGEST: recognizes the Warren Pride Cleanup Day when 1,265 people removed over 15 tons of trash

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 248, 2002

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 555

ADOPTED 05/20/2002

34 SPONSORED BY: Councillors Short, Nytes, Black

DIGEST: recognizes the April 27, 2002, Rebuilding Together Indianapolis housing revitalization blitz

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 235, 2002

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 556

ADOPTED 05/20/2002

35 SPONSORED BY: Councillors Horseman, Sanders, Conley, Gibson

DIGEST: recognizes the June 21-22, 2002, African Unity Festival which is organized by African Community International, Inc.

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 249, 2002

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 556

ADOPTED 05/20/2002

36 SPONSORED BY: Councillors Coughenour, Smith

DIGEST: recognizes the Beech Grove Police Department for earning Accreditation status by the Commission on Accreditation for Law Enforcement Agencies

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 250, 2002

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 557

ADOPTED 05/20/2002

37 SPONSORED BY: Councillors Langsford, Gray, Horseman

DIGEST: recognizes Captain Dudley Taylor of the Indianapolis Fire Department for his initiative in promoting cryogenic technology with fire truck brakes

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 251, 2002

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 558

ADOPTED 05/20/2002

38 SPONSORED BY: Councillor Bradford

DIGEST: recognizes the Indiana School for the Blind Sidewalk Project

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 252, 2002

APPROVED BY MAYOR: 05/31/2002

JOURNAL PAGE: 559

ADOPTED 05/20/2002

2002 Special Resolution Index

39 SPONSORED BY: Councillors Horseman, Gray, Brents

DIGEST: remembers the life of Mary A. Artist

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 279, 2002

APPROVED BY MAYOR: 06/13/2002

JOURNAL PAGE: 588

ADOPTED 06/03/2002

40 SPONSORED BY: Councillors Horseman, Conley, Gibson, Sanders, Nytes

DIGEST: commends Doug Sword for his professional work as City Hall reporter for The Indianapolis Star

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 280, 2002

APPROVED BY MAYOR: 06/13/2002

JOURNAL PAGE: 589

ADOPTED 06/03/2002

41 SPONSORED BY: Councillor Smith

DIGEST: an inducement resolution for Tomahawk Village Apartments (to be renamed Country Club Commons Apartments) in an amount not to exceed \$10,000,000 which project consists of the acquisition and rehabilitation of an existing 200-unit apartment complex located on an approximately 13.395 acre parcel of land at 7801 W. 10th Street (District 18)

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 264, 2002

APPROVED BY MAYOR: 06/12/2002

JOURNAL PAGE: 597

ADOPTED 06/03/2002

42 SPONSORED BY: Councillor Coughenour

DIGEST: recognizes long time University of Indianapolis WICR Radio, General Manager Edward (Ed) Roehling

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 311, 2002

APPROVED BY MAYOR: 07/05/2002

JOURNAL PAGE: 611

ADOPTED 06/24/2002

43 SPONSORED BY: Councillors Nytes, Conley

DIGEST: recognizes Prince Julius Adeniyi as Indiana's first Young Audiences National Artist of the Year

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 312, 2002

APPROVED BY MAYOR: 07/05/2002

JOURNAL PAGE: 612

ADOPTED 06/24/2002

44 SPONSORED BY: Councillors Bradford, SerVaas, Coughenour, Cockrum

DIGEST: recognizes the Indy Parks Greenways latest awards, and National Recreational Trails designation by the National Park Service

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 313, 2002

APPROVED BY MAYOR: 07/05/2002

JOURNAL PAGE: 613

ADOPTED 06/24/2002

45 SPONSORED BY: Councillor Bradford

DIGEST: recognizes National Spelling Bee contestant Trevor Leslie

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 359, 2002

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 640

ADOPTED 07/22/2002

46 SPONSORED BY: Councillor Boyd

DIGEST: recognizes the high school graduating seniors of the Mayor's Youth Council

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 360, 2002

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 640

ADOPTED 07/22/2002

2002 Special Resolution Index

47 SPONSORED BY: Councillor Talley

DIGEST: recognizes Laura M. A. Moore Smith

REFERRED TO: Committee of the Whole Council

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 641

PROPOSAL NO. 361, 2002

ADOPTED 07/22/2002

48 SPONSORED BY: Councillor Massie

DIGEST: seeks renewal of authorization and approval for Marion County Treasurer and City Controller to invest public funds in money-market mutual funds

REFERRED TO: Administration and Finance Committee

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 664

PROPOSAL NO. 309, 2002

ADOPTED 07/22/2002

49 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: approves the Sanitary District Note Resolution and the issuance of Sanitary District Notes payable from proceeds of bonds of the Sanitary District in an amount not to exceed \$15 million; and approves the Stormwater District Note Resolution and the issuance of Stormwater District Notes payable from proceeds of bonds of the Stormwater District in an amount not to exceed \$15 million

REFERRED TO: Public Works Committee

APPROVED BY MAYOR: 08/02/2002

JOURNAL PAGE: 671

PROPOSAL NO. 308, 2002

ADOPTED 07/22/2002

50 SPONSORED BY: Councillor Sanders

DIGEST: honors Dr. Kenneth Ossip on the 50th Anniversary of Ossip Optometry and Ophthalmology

REFERRED TO: Committee of the Whole Council

APPROVED BY MAYOR: 08/16/2002

JOURNAL PAGE: 683

PROPOSAL NO. 391, 2002

ADOPTED 08/05/2002

51 SPONSORED BY: Councillor Smith

DIGEST: an inducement resolution for Orchard Park Apartments in an amount not to exceed \$2,300,000 which project consists of the acquisition and rehabilitation of the existing 94-unit, apartment complex on an approximately 6.784 acre parcel of real estate located at 3102 North Baltimore (District 11)

REFERRED TO: Metropolitan Development Committee

APPROVED BY MAYOR: 08/16/2002

JOURNAL PAGE: 704

PROPOSAL NO. 330, 2002

ADOPTED 08/05/2002

52 SPONSORED BY: Councillors Soards, Borst, Boyd, Short

DIGEST: welcomes Colt's Coach Tony Dungy to Indianapolis

REFERRED TO: Committee of the Whole Council

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 710

PROPOSAL NO. 420, 2002

ADOPTED 08/26/2002

53 SPONSORED BY: Councillor Nytes

DIGEST: recognizes the Sixth Quadrennial International Violin Competition of Indianapolis, September 6-22, 2002

REFERRED TO: Committee of the Whole Council

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 711

PROPOSAL NO. 421, 2002

ADOPTED 08/26/2002

2002 Special Resolution Index

54 SPONSORED BY: Councillor Talley

DIGEST: recognizes the community commitment of Dano's Contracting, LLC

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 422, 2002

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 712

ADOPTED 08/26/2002

55 SPONSORED BY: Councillors McWhirter, Nytes

DIGEST: approves a public purpose grant in the amount of \$35,000 to Indiana Reading and Information Services to provide radio reading programs for the blind and print disabled in Marion County

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 375, 2002

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 739

ADOPTED 08/26/2002

56 SPONSORED BY: Councillors McWhirter, Nytes

DIGEST: approves a public purpose grant in the amount of \$50,000 to Indiana University for the purpose of financing educational access programming on the educational access channels of the franchised cable systems in Marion County

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 376, 2002

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 740

ADOPTED 08/26/2002

57 SPONSORED BY: Councillors McWhirter, Nytes

DIGEST: approves a public purpose grant in the amount of \$150,000 to Indiana University for the purpose of purchasing playback equipment used in providing programming on the educational access channels of the franchised cable systems in Marion County

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 377, 2002

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 740

ADOPTED 08/26/2002

58 SPONSORED BY: Councillors Gray, Soards

DIGEST: determines the need to lease office space at 4460 Guion Road for the Reserves of the Sheriff's Department

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 382, 2002

APPROVED BY MAYOR: 09/06/2002

JOURNAL PAGE: 741

ADOPTED 08/26/2002

59 SPONSORED BY: Councillor Horseman

DIGEST: recognizes Fiesta Indianapolis, Inc's., "Fiesta 2002"

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 466, 2002

APPROVED BY MAYOR: 09/27/2002

JOURNAL PAGE: 780

ADOPTED 09/16/2002

60 SPONSORED BY: Councillors Borst, Langsford, Tilford, Coughenour, Massie

DIGEST: concerns the September 20, 2002, tornadoes that hit sections of Indianapolis

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 508, 2002

APPROVED BY MAYOR: 10/20/2002

JOURNAL PAGE: 954

ADOPTED 10/07/2002

2002 Special Resolution Index

61 SPONSORED BY: Councillor Knox

DIGEST: designates White River Parkway, West Drive, from Washington Street to New York Street, including the New York Street Bridge, as the E.B. Kelley Memorial Parkway and Bridge

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 441, 2002

APPROVED BY MAYOR: 10/20/2002

JOURNAL PAGE: 982

ADOPTED 10/07/2002

62 SPONSORED BY: Councillor Moriarty Adams

DIGEST: recognizes the 100th Anniversary of Tuxedo Park Baptist Church

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 510, 2002

APPROVED BY MAYOR: 10/20/2002

JOURNAL PAGE: 955

ADOPTED 10/07/2002

63 SPONSORED BY: Councillor Talley

DIGEST: recognizes NaKitta Parks-Turner

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 511, 2002

APPROVED BY MAYOR: 10/20/2002

JOURNAL PAGE: 956

ADOPTED 10/07/2002

64 SPONSORED BY: Councillors Gray, Brents

DIGEST: recognizes the Indianapolis Soap Box Derby Association and the Indianapolis Inner City Youth Racing League

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 512, 2002

APPROVED BY MAYOR: 10/20/2002

JOURNAL PAGE: 957

ADOPTED 10/07/2002

65 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: authorizes the Department of Public Works, Office of Environmental Services, to apply for grant assistance from the Indiana Department of Environmental Management to continue the City's participation in the statewide Mercury Awareness Program as a regional hub site

REFERRED TO: Public Works Committee

PROPOSAL NO. 458, 2002

APPROVED BY MAYOR: 10/20/2002

JOURNAL PAGE: 985

ADOPTED 10/07/2002

66 SPONSORED BY: Councillors Douglas, Gray

DIGEST: commends Washington Township Schools Superintendent Dr. Eugene G. White for his bold initiative to improve student achievement at North Central High School

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 509, 2002

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 995

ADOPTED 10/28/2002

67 SPONSORED BY: Councillors Nytes, Soards

DIGEST: concerns the "One Book, One City - Indy's Choice" program

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 539, 2002

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 996

ADOPTED 10/28/2002

68 SPONSORED BY: All Councillors

DIGEST: recognizes the 40 years of Council service by Dr. Beurt R. SerVaas

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 540, 2002

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 993

ADOPTED 10/28/2002

2002 Special Resolution Index

69 SPONSORED BY: Councillor Dowden

DIGEST: determines the need to lease office space at 251 East Ohio Street for use by the County Prosecutor's office

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 425, 2002

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1014

ADOPTED 10/28/2002

70 SPONSORED BY: Councillors Cockrum, Gray

DIGEST: determines the need to purchase approximately 92 acres of real property at 8605 Mann Road for the use of the Department of Parks and Recreation

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 502, 2002

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1032

ADOPTED 10/28/2002

71 SPONSORED BY: Councillor Borst

DIGEST: recognizes the outstanding community service of William K. McGowan, Jr., of the Indianapolis Convention and Visitors Association

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 568, 2002

APPROVED BY MAYOR: 11/22/2002

JOURNAL PAGE: 1048

ADOPTED 11/11/2002

72 SPONSORED BY: Councillors Smith, Nytes

DIGEST: approves the amounts, locations, and programmatic operation of certain projects to be funded from Community Development Grant Funds for 2003

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 526, 2002

APPROVED BY MAYOR: 11/22/2002

JOURNAL PAGE: 1060

ADOPTED 11/11/2002

73 SPONSORED BY: Councillors Borst, Coughenour, Boyd

DIGEST: recognizes the public service of Marion County Clerk Sarah M. Taylor

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 614, 2002

APPROVED BY MAYOR: 12/24/2002

JOURNAL PAGE: 1112

ADOPTED 12/16/2002

74 SPONSORED BY: Councillors Cockrum, Massie, Talley, Moriarty Adams, Soards

DIGEST: approves a financing plan for acquisition of new voting system for Marion County

REFERRED TO: Rules and Public Policy Committee

PROPOSAL NO. 459, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1132

ADOPTED 12/16/2002

75 SPONSORED BY: Councillors Borst, Coughenour, Boyd

DIGEST: recognizes the public service of Marion County Prosecutor Scott C. Newman

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 616, 2002

APPROVED BY MAYOR: 12/24/2002

JOURNAL PAGE: 1113

ADOPTED 12/16/2002

76 SPONSORED BY: Councillors Borst, Coughenour, Boyd

DIGEST: recognizes the public service of Judge Richard Good

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 617, 2002

APPROVED BY MAYOR: 12/24/2002

JOURNAL PAGE: 1115

ADOPTED 12/16/2002

2002 Special Resolution Index

77 SPONSORED BY: Councillors Borst, Coughenour, Boyd

DIGEST: recognizes the public service of Judge William Lawrence

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 618, 2002

APPROVED BY MAYOR: 12/24/2002

JOURNAL PAGE: 1115

ADOPTED 12/16/2002

78 SPONSORED BY: Councillors Borst, Coughenour, Boyd

DIGEST: recognizes the public service of Judge Z. Mae Jimison

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 619, 2002

APPROVED BY MAYOR: 12/24/2002

JOURNAL PAGE: 1114

ADOPTED 12/16/2002

79 SPONSORED BY: Councillors Bainbridge, Moriarty Adams

DIGEST: supports the development and participation in an eight-hour ozone Early Action Compact for central Indiana to help reduce ozone and to improve the air quality for central Indiana

REFERRED TO: Public Works Committee

PROPOSAL NO. 579, 2002

APPROVED BY MAYOR: 12/24/2002

JOURNAL PAGE: 1136

ADOPTED 12/16/2002

80 SPONSORED BY: Councillors Langsford, Tilford

DIGEST: recognizes outstanding community volunteer students of the Warren Township Renaissance School

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 621, 2002

APPROVED BY MAYOR: 12/24/2002

JOURNAL PAGE: 1116

ADOPTED 12/16/2002

81 SPONSORED BY: Councillors McWhirter, Conley, Horseman

DIGEST: recognizes West Indy's 4th Annual Steak n Shake's Breakfast with Santa

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 622, 2002

APPROVED BY MAYOR: 12/24/2002

JOURNAL PAGE: 1117

ADOPTED 12/16/2002

82 SPONSORED BY: Councillors Langsford, Nytes

DIGEST: recognizes the public service of Marion County Children's Guardian Home Superintendent Paul B. Browne

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 623, 2002

APPROVED BY MAYOR: 12/24/2002

JOURNAL PAGE: 1118

ADOPTED 12/16/2002

2002 Council Resolution Index

1 SPONSORED BY: Councillor Cockrum

DIGEST: reappoints Alan Wiseman to the Board of Parks and Recreation

REFERRED TO: Parks and Recreation Committee

PROPOSAL NO. 726, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 7

ADOPTED 01/07/2002

2 SPONSORED BY: Councillor Cockrum

DIGEST: reappoints Diana Wilson Hall to the Board of Parks and Recreation

REFERRED TO: Parks and Recreation Committee

PROPOSAL NO. 727, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 7

ADOPTED 01/07/2002

3 SPONSORED BY: Councillor Cockrum

DIGEST: appoints Dennis Papenmeier to the Indianapolis Greenways Development Committee

REFERRED TO: Parks and Recreation Committee

PROPOSAL NO. 728, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 7

ADOPTED 01/07/2002

4 SPONSORED BY: Councillor Cockrum

DIGEST: appoints Thomas A. John to the Indianapolis Greenways Development Committee

REFERRED TO: Parks and Recreation Committee

PROPOSAL NO. 729, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 8

ADOPTED 01/07/2002

5 SPONSORED BY: Councillors Dowden, Moriarty Adams

DIGEST: appoints Charles Neill to the Citizens Police Complaint Board

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 612, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 20

ADOPTED 01/28/2002

6 SPONSORED BY: Councillor Bradford

DIGEST: appoints Kristina Holden to the Community Centers of Indianapolis Board

REFERRED TO: Community Affairs Committee

PROPOSAL NO. 712, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 20

ADOPTED 01/28/2002

7 SPONSORED BY: Councillor Borst

DIGEST: reappoints Walter Quesenberry to the Lawrence Economic Development Commission

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 715, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 20

ADOPTED 01/28/2002

8 SPONSORED BY: Councillor Borst

DIGEST: reappoints Joanna Walker to the Metropolitan Board of Zoning Appeals Division I

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 716, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 21

ADOPTED 01/28/2002

2002 Council Resolution Index

9 SPONSORED BY: Councillor Borst

DIGEST: reappoints Alan Retherford to the Metropolitan Board of Zoning Appeals Division I

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 717, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 21

ADOPTED 01/28/2002

10 SPONSORED BY: Councillor Borst

DIGEST: reappoints C. Eugene Hendricks to the Metropolitan Development Commission

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 721, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 21

ADOPTED 01/28/2002

11 SPONSORED BY: Councillor Borst

DIGEST: reappoints Randolph L. Snyder to the Metropolitan Development Commission

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 722, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 22

ADOPTED 01/28/2002

12 SPONSORED BY: Councillor Borst

DIGEST: reappoints Brian Murphy to the Metropolitan Development Commission

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 723, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 22

ADOPTED 01/28/2002

13 SPONSORED BY: Councillor Tilford

DIGEST: reappoints David Scott to the Indianapolis Public Transportation Corporation

REFERRED TO: Municipal Corporations Committee

PROPOSAL NO. 725, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 22

ADOPTED 01/28/2002

14 SPONSORED BY: Councillor Dowden

DIGEST: reappoints Ken Giffin to the Board of Public Safety

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 732, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 23

ADOPTED 01/28/2002

15 SPONSORED BY: Councillor Dowden

DIGEST: reappoints William Schneider to the Board of Public Safety

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 733, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 23

ADOPTED 01/28/2002

16 SPONSORED BY: Councillor Dowden

DIGEST: reappoints Susie Davie to the Marion County Community Corrections Advisory Board

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 734, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 23

ADOPTED 01/28/2002

2002 Council Resolution Index

17 SPONSORED BY: Councillor Dowden

DIGEST: reappoints Leslie Duvall to the Marion County Community Corrections Advisory Board

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 735, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 23

ADOPTED 01/28/2002

18 SPONSORED BY: Councillor Dowden

DIGEST: reappoints Mary Stewart to the Marion County Community Corrections Advisory Board

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 736, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 24

ADOPTED 01/28/2002

19 SPONSORED BY: Councillor Dowden

DIGEST: reappoints Rondle W. Brewer to the Marion County Community Corrections Advisory Board

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 738, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 24

ADOPTED 01/28/2002

20 SPONSORED BY: Councillor Dowden

DIGEST: reappoints Leonard Simpson to the Marion County Community Corrections Advisory Board

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 739, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 24

ADOPTED 01/28/2002

21 SPONSORED BY: Councillor Coughenour

DIGEST: reappoints Tony Buford to the Board of Public Works

REFERRED TO: Public Works Committee

PROPOSAL NO. 740, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 25

ADOPTED 01/28/2002

22 SPONSORED BY: Councillor Coughenour

DIGEST: reappoints Arno W. Haupt to the Board of Public Works

REFERRED TO: Public Works Committee

PROPOSAL NO. 741, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 25

ADOPTED 01/28/2002

23 SPONSORED BY: Councillor Coughenour

DIGEST: reappoints Kenneth W. Hughes to the Board of Public Works

REFERRED TO: Public Works Committee

PROPOSAL NO. 742, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 25

ADOPTED 01/28/2002

24 SPONSORED BY: Councillor Boyd

DIGEST: approves the Mayor's appointment of Joseph L. B. Wynns as the Director of the Department of Parks and Recreation

REFERRED TO: Parks and Recreation Committee

PROPOSAL NO. 3, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 26

ADOPTED 01/28/2002

2002 Council Resolution Index

25 SPONSORED BY: Councillors Boyd, Talley

DIGEST: approves the Mayor's appointment of Robert B. Turner as the Director of the Department of Public Safety

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 4, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 26

ADOPTED 01/28/2002

26 SPONSORED BY: Councillor Boyd

DIGEST: approves the Mayor's appointment of Michael B. O'Connor as the Chief Deputy Mayor

REFERRED TO: Rules and Public Policy Committee

PROPOSAL NO. 15, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 26

ADOPTED 01/28/2002

27 SPONSORED BY: Councillor Boyd

DIGEST: approves the Mayor's appointment of Jane Henegar as the Deputy Mayor for Policy

REFERRED TO: Rules and Public Policy Committee

PROPOSAL NO. 16, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 27

ADOPTED 01/28/2002

28 SPONSORED BY: Councillor Boyd

DIGEST: approves the Mayor's appointment of Carolyn M. Coleman as the Deputy Mayor for Neighborhoods

REFERRED TO: Rules and Public Policy Committee

PROPOSAL NO. 17, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 27

ADOPTED 01/28/2002

29 SPONSORED BY: Councillor Boyd

DIGEST: approves the Mayor's appointment of Barbara A. Lawrence as the Director of the Department of Public Works

REFERRED TO: Public Works Committee

PROPOSAL NO. 18, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 28

ADOPTED 01/28/2002

30 SPONSORED BY: Councillor Massie

DIGEST: reappoints Robert Spear to the Alcoholic Beverage Board of Marion County

REFERRED TO: Rules and Public Policy Committee

PROPOSAL NO. 743, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 28

ADOPTED 01/28/2002

31 SPONSORED BY: Councillor Coonrod

DIGEST: reappoints Paul Ricketts to the City-County Administrative Board

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 707, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 397

ADOPTED 02/11/2002

32 SPONSORED BY: Councillor Coonrod

DIGEST: reappoints Sarah Taylor to the Information Technology Board

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 709, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 397

ADOPTED 02/11/2002

2002 Council Resolution Index

33 SPONSORED BY: Councillor Coonrod

DIGEST: reappoints Edward Tunstall to the Information Technology Board

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 710, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 397

ADOPTED 02/11/2002

34 SPONSORED BY: Councillor Coonrod

DIGEST: reappoints Martha A. Womacks to the Information Technology Board

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 711, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 397

ADOPTED 02/11/2002

35 SPONSORED BY: Councillor Dowden

DIGEST: reappoints Carol Ryan to the Animal Care and Control Board

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 730, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 398

ADOPTED 02/11/2002

36 SPONSORED BY: Councillor Dowden

DIGEST: reappoints Pat Pritchett to the Marion County Community Corrections Advisory Board

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 737, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 398

ADOPTED 02/11/2002

37 SPONSORED BY: Councillor Boyd

DIGEST: approves the Mayor's appointment of Brenda L. Burke as the Director of the Department of Administration

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 1, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 398

ADOPTED 02/11/2002

38 SPONSORED BY: Councillor Dowden

DIGEST: confirms the Marion County Public Defender Board's nomination of David Cook as Marion County Chief Public Defender

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 42, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 399

ADOPTED 02/11/2002

39 SPONSORED BY: Councillor Dowden

DIGEST: reappoints Bruce Laetsch to the Citizens Police Complaint Board

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 56, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 399

ADOPTED 02/11/2002

40 SPONSORED BY: Councillor Dowden

DIGEST: appoints David J. Certo to the Citizens Police Complaint Board

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 57, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 399

ADOPTED 02/11/2002

2002 Council Resolution Index

41 SPONSORED BY: Councillor Dowden

DIGEST: reappoints Lucinda Meyer to the Animal Care and Control Board

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 731, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 396

ADOPTED 02/11/2002

42 SPONSORED BY: Councillor Borst

DIGEST: reappoints Larry J. Barrett to the Beech Grove Economic Development Commission

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 713, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 442

ADOPTED 03/18/2002

43 SPONSORED BY: Councillor Borst

DIGEST: reappoints C. Richard Petticrew to the Indianapolis Economic Development Commission

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 714, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 442

ADOPTED 03/18/2002

44 SPONSORED BY: Councillor Borst

DIGEST: reappoints Lincoln Plowman to the Metropolitan Board of Zoning Appeals Division III

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 719, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 442

ADOPTED 03/18/2002

45 SPONSORED BY: Councillor Borst

DIGEST: reappoints J. Darrell Bakken to the Metropolitan Board of Zoning Appeals Division III

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 720, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 443

ADOPTED 03/18/2002

46 SPONSORED BY: Councillor Borst

DIGEST: reappoints Phyllis Carr to the Urban Enterprise Association

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 724, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 443

ADOPTED 03/18/2002

47 SPONSORED BY: Councillor Tilford

DIGEST: reappoints Philip Borst to the Capital Improvements Board of Managers

REFERRED TO: Municipal Corporations Committee

PROPOSAL NO. 53, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 443

ADOPTED 03/18/2002

48 SPONSORED BY: Councillor Smith

DIGEST: appoints Mac J. Martin to the Board of Zoning Appeals Division II

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 70, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 444

ADOPTED 03/18/2002

2002 Council Resolution Index

49 SPONSORED BY: Councillor Smith

DIGEST: appoints James R. Holden to the Public Housing Board

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 71, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 444

ADOPTED 03/18/2002

50 SPONSORED BY: Councillor Cockrum

DIGEST: appoints Alan Wiseman to the Indianapolis City Market Corporation Board of Directors

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 87, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 444

ADOPTED 03/18/2002

51 SPONSORED BY: Councillor Borst

DIGEST: reappoints Paul E. Ferguson to the Wellfield Education Corporation

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 94, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 445

ADOPTED 03/18/2002

52 SPONSORED BY: Councillor Borst

DIGEST: reappoints Kathryn Rietmann to the Wellfield Education Corporation

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 95, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 445

ADOPTED 03/18/2002

53 SPONSORED BY: Councillor Borst

DIGEST: reappoints John Schuler to the Wellfield Education Corporation

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 96, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 445

ADOPTED 03/18/2002

54 SPONSORED BY: Councillors Nytes, Boyd

DIGEST: appoints Phyllis Gabovitch to the Indianapolis City Market Corporation Board of Directors

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 99, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 445

ADOPTED 03/18/2002

55 SPONSORED BY: Councillor Coonrod

DIGEST: reappoints Stuart Rhodes to the Cable Franchise Board

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 708, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 471

ADOPTED 04/08/2002

56 SPONSORED BY: Councillors Nytes, Boyd

DIGEST: appoints Linda N. Perdue to the Equal Opportunity Advisory Board

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 98, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 472

ADOPTED 04/08/2002

2002 Council Resolution Index

57 SPONSORED BY: Councillor Coonrod

DIGEST: appoints Sue Beesley to the City County Administrative Board

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 111, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 472

ADOPTED 04/08/2002

58 SPONSORED BY: Councillor Dowden

DIGEST: amends Council Resolution No. 21, 2000 to correct the term of Al Polin as a member of the Citizens Police Complaint Board

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 114, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 472

ADOPTED 04/08/2002

59 SPONSORED BY: Councillor Dowden

DIGEST: concerns the National Day of Prayer

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 212, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 502

ADOPTED 04/29/2002

60 SPONSORED BY: Councillor Borst

DIGEST: reappoints Steven M. Badger to the Metropolitan Board of Zoning Appeals Division II

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 718, 2001

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 507

ADOPTED 04/29/2002

61 SPONSORED BY: Councillor Bainbridge

DIGEST: reappoints David B. Sears to the Speedway Economic Development Commission

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 113, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 507

ADOPTED 04/29/2002

62 SPONSORED BY: Councillor Coonrod

DIGEST: reappoints William R. Wayman to the Indianapolis-Marion County Building Authority Board of Trustees

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 174, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 560

ADOPTED 05/20/2002

63 SPONSORED BY: Councillor Cockrum

DIGEST: appoints Dale Thornberry to the Board of Parks and Recreation

REFERRED TO: Parks and Recreation Committee

PROPOSAL NO. 175, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 560

ADOPTED 05/20/2002

64 SPONSORED BY: Councillor Nytes

DIGEST: approves the Mayor's appointment of Brent A. Auberry as hearing officer

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 194, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 561

ADOPTED 05/20/2002

2002 Council Resolution Index

65 SPONSORED BY: Councillor Massie

DIGEST: establishes the rules for redistricting hearings

REFERRED TO: Rules and Public Policy Committee

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 579

PROPOSAL NO. 211, 2002

ADOPTED 05/20/2002

66 SPONSORED BY: Councillors Borst, Tilford, Massie

DIGEST: concerns the IndyGo Bus Company

REFERRED TO: Committee of the Whole Council

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 616

PROPOSAL NO. 314, 2002

ADOPTED 06/24/2002

67 SPONSORED BY: Councillor Massie

DIGEST: appoints W. Tobin McClamoch to the Board of Ethics

REFERRED TO: Rules and Public Policy Committee

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 616

PROPOSAL NO. 744, 2001

ADOPTED 06/24/2002

68 SPONSORED BY: Councillor Coughenour

DIGEST: reappoints Bernard O. Paul to the Air Pollution Control Board

REFERRED TO: Public Works Committee

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 617

PROPOSAL NO. 244, 2002

ADOPTED 06/24/2002

69 SPONSORED BY: Councillors Coonrod, Borst

DIGEST: appoints Ivan Wilson to the Common Construction Wage Committee for the City of Lawrence

REFERRED TO: Rules and Public Policy Committee

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 617

PROPOSAL NO. 245, 2002

ADOPTED 06/24/2002

70 SPONSORED BY: Councillors Bradford, Schneider, Dowden, Coonrod, Tilford, Smith, Massie, Borst, Soards

DIGEST: declares the Indianapolis City-County Council's support of the Pledge of Allegiance

REFERRED TO: Committee of the Whole Council

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 642

PROPOSAL NO. 358, 2002

ADOPTED 07/22/2002

71 SPONSORED BY: Councillors Nytes, Boyd, Gibson

DIGEST: appoints Gary A. Gibson to the Equal Opportunity Advisory Board

REFERRED TO: Administration and Finance Committee

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 643

PROPOSAL NO. 310, 2002

ADOPTED 07/22/2002

72 SPONSORED BY: Councillors McWhirter, Smith

DIGEST: appoints Judy Stanley to the Indianapolis City Market Corporation Board of Directors

REFERRED TO: Metropolitan Development Committee

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 643

PROPOSAL NO. 315, 2002

ADOPTED 07/22/2002

2002 Council Resolution Index

73 SPONSORED BY: Councillor Coughenour

DIGEST: appoints Bruce B. Melchert to the Indianapolis City Market Corporation Board of Directors

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 355, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 684

ADOPTED 08/05/2002

74 SPONSORED BY: Councillor Dowden

DIGEST: reappoints Jon M. Bailey to the Marion County Public Defender Board

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 356, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 684

ADOPTED 08/05/2002

75 SPONSORED BY: Councillor Dowden

DIGEST: reappoints Virginia Dill McCarty to the Marion County Public Defender Board

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 357, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 685

ADOPTED 08/05/2002

76 SPONSORED BY: Councillors Boyd, Moriarty Adams, Sanders, Horseman, Gibson, Conley, Short

DIGEST: offers apology to all citizens and guests to our city for the disparaging characterizations made by two Council members

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 423, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 753

ADOPTED 08/26/2002

77 SPONSORED BY: Councillor McWhirter

DIGEST: appoints William M. Matthews to the Information Technology Board

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 417, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 781

ADOPTED 09/16/2002

78 SPONSORED BY: Councillor Borst

DIGEST: appoints Richard Petrecca to the County Property Tax Assessment Board of Appeals

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 437, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 958

ADOPTED 10/07/2002

79 SPONSORED BY: Councillor Coughenour

DIGEST: appoints Gus Miller to the Indianapolis City Market Corporation Board of Directors

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 440, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 958

ADOPTED 10/07/2002

80 SPONSORED BY: Councillor Borst

DIGEST: concerns the division of Marion County into electoral districts

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 523, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 986

ADOPTED 10/07/2002

2002 Council Resolution Index

81 SPONSORED BY: Councillor McWhirter

DIGEST: appoints Dollyne Sherman to the Cable Franchise Board

REFERRED TO: Administration and Finance Committee

PROPOSAL NO. 436, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 996

ADOPTED 10/28/2002

82 SPONSORED BY: Councillors Gibson, Bainbridge

DIGEST: approves the Mayor's establishment of a charter school by issuing a charter to Flanner House Higher Learning Center, Inc.

REFERRED TO: Rules and Public Policy Committee

PROPOSAL NO. 499, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1031

ADOPTED 10/28/2002

83 SPONSORED BY: Councillors Gibson, Bainbridge

DIGEST: approves the Mayor's establishment of a charter school by issuing a charter to Charter for Accelerated Learning, Inc.

REFERRED TO: Rules and Public Policy Committee

PROPOSAL NO. 500, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1031

ADOPTED 10/28/2002

84 SPONSORED BY: Councillors Gibson, Bainbridge

DIGEST: approves the Mayor's establishment of a charter school by issuing a charter to KIPP Indianapolis, Inc.

REFERRED TO: Rules and Public Policy Committee

PROPOSAL NO. 501, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1032

ADOPTED 10/28/2002

85 SPONSORED BY: Councillor McWhirter

DIGEST: appoints Bobby Britt to the Common Construction Wage Committee for Wayne Township

REFERRED TO: Rules and Public Policy Committee

PROPOSAL NO. 536, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1042

ADOPTED 10/28/2002

86 SPONSORED BY: Councillors Dowden, Borst

DIGEST: appoints Judy Singleton to the Animal Care and Control Board

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 541, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1049

ADOPTED 11/11/2002

87 SPONSORED BY: Councillor Borst

DIGEST: approves a schedule of regular council meetings for the year 2003

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 566, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1077

ADOPTED 11/25/2002

88 SPONSORED BY: Councillors Talley, Smith

DIGEST: requests the Metropolitan Development Commission to consider certain amendments to permit an exemption for signage in any zoning district related to not-for-profit activities

REFERRED TO: Metropolitan Development Committee

PROPOSAL NO. 570, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1107

ADOPTED 11/25/2002

2002 Council Resolution Index

89 SPONSORED BY: Councillors Massie, Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coughenour, Douglas, Frick, Gibson, Gray, Horseman, Knox, Langsford, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short Soards, Talley, Tilford

DIGEST: confers the distinction of President Emeritus on Beurt SerVaas

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 592, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1112

ADOPTED 12/16/2002

90 SPONSORED BY: Councillor Cockrum

DIGEST: appoints Thomas H. Taylor to the Marion County Storm Water Management Advisory Committee

REFERRED TO: Public Works Committee

PROPOSAL NO. 585, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1118

ADOPTED 12/16/2002

2002 Rezoning Ordinance Index

1 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 5, 10655 Indian Lake Boulevard
(approximate address) (2001-ZON-086)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 33, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 12

ADOPTED 01/07/2002

2 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 16, 313 South Cincinnati Street
(approximate address) (2001-ZON-120)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 34, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 12

ADOPTED 01/07/2002

3 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 2, 6905 North Hoover Road
(approximate address) (2001-ZON-141)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 35, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 12

ADOPTED 01/07/2002

4 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 228 North East Street and 439 East
New York Street (approximate address) (2001-ZON-144)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 36, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 12

ADOPTED 01/07/2002

5 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 319 and 323 East St. Joseph Street
(approximate addresses) (2001-ZON-146)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 37, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 12

ADOPTED 01/07/2002

6 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Franklin Township, Councilmanic District 23, 5701 East Southport Road
(approximate address) (2001-ZON-853)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 38, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 12

ADOPTED 01/07/2002

7 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 10, 2936, 2938, and 2940 North Keystone
Avenue (approximate addresses) (2001-ZON-132)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 59, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 30

ADOPTED 01/28/2002

2002 Rezoning Ordinance Index

8 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Pike Township, Councilmanic District 2, 8404 North Michigan Road (approximate address) (2001-ZON-133)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 60, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 31

ADOPTED 01/28/2002

9 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 5, 10030 Pendleton Pike (approximate address) (2001-ZON-145)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 61, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 31

ADOPTED 01/28/2002

10 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Franklin Township, Councilmanic District 23, 8525 East Troy Avenue (approximate address) (2001-ZON-154)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 62, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 31

ADOPTED 01/28/2002

11 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 4, 6509 East 75th Street (approximate address) (2001-ZON-149)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 63, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 31

ADOPTED 01/28/2002

12 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 10, 4901 East 31st Street (approximate address) (2001-ZON-157)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 64, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 31

ADOPTED 01/28/2002

13 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 9, 845 West 30th Street (approximate address) (2001-ZON-158)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 65, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 31

ADOPTED 01/28/2002

14 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 13, 5103 East Washington Street (approximate address) (2001-ZON-859)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 66, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 31

ADOPTED 01/28/2002

2002 Rezoning Ordinance Index

15 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 6, 4555 Marcy Lane (approximate address) (2001-ZON-860)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 67, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 31

ADOPTED 01/28/2002

16 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 6, 4555 Marcy Lane (approximate address) (2001-ZON-862)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 68, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 32

ADOPTED 01/28/2002

17 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 5, 6410 Carroll Road (approximate address) (2001-ZON-094) (Amended)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 83, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 401

ADOPTED 02/11/2002

18 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 24, 4700 East County Line Road (approximate address) (2001-ZON-140)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 84, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 401

ADOPTED 02/11/2002

19 SPONSORED BY: Councillor Smith

DIGEST: proposes to rezone 3.339 acres at 4665 West 16th Street in Wayne Township, Councilmanic District 8, being in the D-7 (FW) (FF) District to the C-4 (FW) (FF) classification to legally establish a motel (2001-ZON-085)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 58, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 402

ADOPTED 02/11/2002

20 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 14, 4445, 4501, 4503-4507 Post Road (approximate addresses) (99-Z-147)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 102, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 423

ADOPTED 02/25/2002

21 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 21, 1701 Walker Avenue (approximate address) (2001-ZON-143) (2001-DP-017)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 103, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 423

ADOPTED 02/25/2002

2002 Rezoning Ordinance Index

22 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 4, 6752 and 6758 Gentry Street and 8099 and 8101 Castleton Road (approximate addresses) (2001-ZON-148)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 104, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 424

ADOPTED 02/25/2002

23 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 721 East 27th Street, 725 East 27th Street, and 2644, 2702, 2708, and 2712 Carrollton Avenue (approximate addresses) (2001-ZON-155)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 105, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 424

ADOPTED 02/25/2002

24 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 5, 11850 East 38th Street (approximate address) (2001-ZON-150)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 141, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 449

ADOPTED 03/18/2002

25 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 25, 8630 Bluff Road (approximate address) (2001-ZON-114)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 142, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 449

ADOPTED 03/18/2002

26 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Franklin Township, Councilmanic District 23, 3510 South Post Road (approximate address) (2001-ZON-

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 143, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 449

ADOPTED 03/18/2002

27 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Franklin Township, Councilmanic District 23, 7401 South Franklin Road (approximate address) (2001-ZON-135)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 144, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 449

ADOPTED 03/18/2002

28 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Pike Township, Councilmanic District 1, 5609-5651 West 86th Street (approximate address) (2001-ZON-142)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 145, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 449

ADOPTED 03/18/2002

2002 Rezoning Ordinance Index

29 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 2257, 2258, 2261, 2264, 2301, 2302, 2305, and 2306 North Talbot Street, and 121 East 23rd Street (approximate addresses) (2001-ZON-163)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 146, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 450

ADOPTED 03/18/2002

30 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 6, 1545 and 1549 East 38th Street, 3750 Fall Creek Parkway North Drive (approximate addresses) (2001-ZON-167)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 147, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 450

ADOPTED 03/18/2002

31 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 747 North College Avenue (approximate address) (2001-ZON-152)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 148, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 450

ADOPTED 03/18/2002

32 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Wayne Township, Councilmanic District 16, 3237 West 16th Street (approximate address) (2002-ZON-002)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 149, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 450

ADOPTED 03/18/2002

33 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 16, 315-329 South New Jersey Street (approximate address) (2002-ZON-006)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 150, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 450

ADOPTED 03/18/2002

34 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 25, 1500 West Banta Road (approximate address) (2001-ZON-161) (2001-DP-019)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 182, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 477

ADOPTED 04/08/2002

35 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 2, 4615 North Michigan Road (approximate address) (2001-ZON-162) (2001-DP-020)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 183, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 477

ADOPTED 04/08/2002

2002 Rezoning Ordinance Index

36 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 13, 9470 East Washington Street
(approximate address) (2002-ZON-010)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 184, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 477

ADOPTED 04/08/2002

37 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 21, 1502 South Keystone Avenue
(approximate address) (2002-ZON-011)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 185, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 477

ADOPTED 04/08/2002

38 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 14, 5330 East 38th Street
(approximate address) (2001-ZON-129)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 217, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 513

ADOPTED 04/29/2002

39 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 11, 4010 Meadows Parkway
(approximate address) (2001-ZON-165)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 218, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 513

ADOPTED 04/29/2002

40 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 2, 6600 Westfield Boulevard
(approximate address) (2001-ZON-139) (2001-DP-016)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 219, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 513

ADOPTED 04/29/2002

41 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 7, 1405 East Broad Ripple Avenue
and 6229 Indianola Avenue (approximate addresses) (2001-ZON-801)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 220, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 513

ADOPTED 04/29/2002

42 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 16, 443 Virginia Avenue (approximate
address) (2001-ZON-858) (Amended)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 221, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 513

ADOPTED 04/29/2002

2002 Rezoning Ordinance Index

43 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Wayne Township, Councilmanic District 19, 1702 Bridgeport Road (approximate address) (2001-ZON-863) (2001-DP-018) (Amended)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 222, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 513

ADOPTED 04/29/2002

44 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 20, 7013 and 7015 South U.S. 31 (approximate address) (2001-ZON-018)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 223, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 514

ADOPTED 04/29/2002

45 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Pike Township, Councilmanic District 1, 7550 Zionsville Road (approximate address) (2001-ZON-021)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 224, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 514

ADOPTED 04/29/2002

46 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 1551-1557 North College Avenue (approximate addresses) (2001-ZON-160)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 225, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 514

ADOPTED 04/29/2002

47 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 312 E. 10th Street/1005 N. Alabama Street (approximate addresses) (2001-ZON-169)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 226, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 514

ADOPTED 04/29/2002

48 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 24, 3623 East Southport Road (approximate address) (2002-ZON-027)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 228, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 514

ADOPTED 04/29/2002

49 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Wayne Township, Councilmanic District 17, 2656, 2702, and 2706 South Holt Road (approximate addresses) (2002-ZON-806)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 229, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 514

ADOPTED 04/29/2002

2002 Rezoning Ordinance Index

50 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 11, 4825 North Arlington Avenue
(approximate address) (2002-ZON-807)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 230, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 514

ADOPTED 04/29/2002

51 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 10, 4201 Massachusetts Avenue
(approximate address) (2002-ZON-808)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 231, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 514

ADOPTED 04/29/2002

52 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 25, 51 West Raymond Street
(approximate address) (2002-ZON-809) (Amended)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 232, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 515

ADOPTED 04/29/2002

53 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 25, 1301 Nordyke Avenue (approximate
address) (2002-ZON-814)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 233, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 515

ADOPTED 04/29/2002

54 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 7, 6229-6235 Carrollton Avenue
(approximate addresses) (2002-ZON-815)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 234, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 515

ADOPTED 04/29/2002

55 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 1610 East Washington Street
(approximate address) (2002-ZON-009)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 227, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 562

ADOPTED 05/20/2002

56 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 3, 9333 Haverway (approximate
address) (2001-ZON-168)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 253, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 563

ADOPTED 05/20/2002

2002 Rezoning Ordinance Index

57 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 10, 2502-2506 North Arlington Avenue
(approximate addresses) (2002-ZON-016)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 254, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 563

ADOPTED 05/20/2002

58 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Franklin Township, Councilmanic District 23, 5309 East Edgewood Avenue
(approximate address) (2001-ZON-153)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 255, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 563

ADOPTED 05/20/2002

59 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 25, 2025 West Southport Avenue
(approximate address) (2002-ZON-022)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 256, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 563

ADOPTED 05/20/2002

60 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Wayne Township, Councilmanic District 16, 1062 North Sheffield Avenue
(approximate address) (2002-ZON-024)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 257, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 563

ADOPTED 05/20/2002

61 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Wayne Township, Councilmanic District 16, 2447 West 14th Street (approximate
address) (2002-ZON-025)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 258, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 563

ADOPTED 05/20/2002

62 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 5, 9411, 9415, and 9423 Pendleton
Pike and 9444 East 52nd Street (approximate addresses) (2002-ZON-028)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 259, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 563

ADOPTED 05/20/2002

63 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 13, 5333 East Washington Street
(approximate address) (2002-ZON-031)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 260, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 563

ADOPTED 05/20/2002

2002 Rezoning Ordinance Index

64 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Wayne Township, Councilmanic District 16, 1910 Bellevue Place (approximate address) (2002-ZON-033)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 261, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 563

ADOPTED 05/20/2002

65 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 25, 1735 West Edgewood Avenue (approximate address) (2002-ZON-038)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 262, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 564

ADOPTED 05/20/2002

66 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 20, 6006-6022 Madison Avenue (approximate addresses) (2002-ZON-803)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 263, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 564

ADOPTED 05/20/2002

67 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Pike Township, Councilmanic District 9, 4701 Georgetown Road (approximate address) (2002-ZON-810)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 281, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 596

ADOPTED 06/03/2002

68 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 3, 2342 West 86th Street (approximate address) (2002-ZON-042)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 282, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 596

ADOPTED 06/03/2002

69 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 501 North New Jersey Street (approximate address) (2002-ZON-043)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 283, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 596

ADOPTED 06/03/2002

70 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Decatur Township, Councilmanic District 19, 3820 and 3850 South Foltz Street (approximate address) (2002-ZON-045)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 284, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 596

ADOPTED 06/03/2002

2002 Rezoning Ordinance Index

71 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 13, 1260 North Post Road and 8850 Spoon Drive (approximate addresses) (2002-ZON-046) (2002-DP-003)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 285, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 597

ADOPTED 06/03/2002

72 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 20, 501 Stover Avenue (approximate address) (2002-ZON-820)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 286, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 597

ADOPTED 06/03/2002

73 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 2141-2147 and 2162-2172 North Talbott (approximate address) (2002-ZON-001)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 316, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 621

ADOPTED 06/24/2002

74 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 113 East 22nd Street (approximate address) (2002-ZON-035)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 318, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 621

ADOPTED 06/24/2002

75 SPONSORED BY: Councillor

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 13, 7824 Brookville Road (approximate address) (2002-ZON-036)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 319, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 621

ADOPTED 06/24/2002

76 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 13, 7823 Brookville Road (approximate address) (2002-ZON-037)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 320, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 622

ADOPTED 06/24/2002

77 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Wayne Township, Councilmanic District 9, 3354 West 30th Street (approximate address) (2002-ZON-047)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 321, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 622

ADOPTED 06/24/2002

2002 Rezoning Ordinance Index

78 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Wayne Township, Councilmanic District 16, 2500 Cold Spring Road (approximate address) (2002-ZON-049)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 322, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 622

ADOPTED 06/24/2002

79 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 20, 5220 Madison Avenue (approximate address) (2002-ZON-055)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 323, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 622

ADOPTED 06/24/2002

80 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 424 East Wabash Street (approximate address) (2002-ZON-056)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 324, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 622

ADOPTED 06/24/2002

81 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Wayne Township, Councilmanic District 9, 962 and 970 West 30th Street (approximate address) (2002-ZON-059)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 325, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 622

ADOPTED 06/24/2002

82 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Wayne Township, Councilmanic District 18, 6420 Rockville Road (approximate address) (2002-ZON-066) (2002-DP-004)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 326, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 622

ADOPTED 06/24/2002

83 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 16, 3510 West 10th Street (approximate address) (2002-ZON-080)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 327, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 622

ADOPTED 06/24/2002

84 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 20, 5700 Madison Avenue (approximate address) (2002-ZON-019)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 362, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 648

ADOPTED 07/22/2002

2002 Rezoning Ordinance Index

85 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 13, 140 and 203 South Audubon Road (approximate address) (2002-ZON-821)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 363, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 648

ADOPTED 07/22/2002

86 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 25, 5722 South Harding Street (approximate address) (2002-ZON-041)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 364, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 648

ADOPTED 07/22/2002

87 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 24, 89 North 17th Avenue and 1600, 1616, 1618, and 1624 West Main Street (approximate address), Beech Grove (2002-ZON-050)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 365, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 648

ADOPTED 07/22/2002

88 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Wayne Township, Councilmanic District 19, 1650 South Girls School Road (approximate address) (2002-ZON-065)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 366, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 648

ADOPTED 07/22/2002

89 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 5, 6283 Oaklandon Road (approximate address) (2002-ZON-068)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 367, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 648

ADOPTED 07/22/2002

90 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 16, 529, 533, 537, 541, 544, 545, 548, 549, 553, 554, 556, and 560 West 30th Street and 3011 California Street (approximate address) (2002-ZON-070)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 368, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 648

ADOPTED 07/22/2002

91 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 20, 2635-2751 South East Street (approximate address) (2002-ZON-074)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 369, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 648

ADOPTED 07/22/2002

2002 Rezoning Ordinance Index

92 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 10, 2111, 2135, and 2137 North Kitley Avenue (approximate address) (2002-ZON-075)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 370, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 649

ADOPTED 07/22/2002

93 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Franklin Township, Councilmanic District 23, 8235 South Franklin Road (approximate address) (2002-ZON-051)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 372, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 649

ADOPTED 07/22/2002

94 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 20, 7117 South US 31 (approximate address) (2002-ZON-052)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 373, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 648

ADOPTED 07/22/2002

95 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 25, 450 East Epler Avenue (approximate address) (2002-ZON-079)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 374, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 648

ADOPTED 07/22/2002

96 SPONSORED BY: Councillor Smith

DIGEST: proposes to rezone 9.928 acres at 3096 West 62nd Street in Pike Township, Councilmanic District 1, being in the D-A and SU-1 Districts to a D-4 classification to provide for residential development (2002-ZON-029 [Amended])

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 317, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 653

ADOPTED 07/22/2002

97 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 20, 7030 South East Street (approximate address) (2002-ZON-034) (Amended)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 392, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 689

ADOPTED 08/05/2002

98 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 4, 7202 East 82nd Street (approximate address) (2002-ZON-062)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 393, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 689

ADOPTED 08/05/2002

2002 Rezoning Ordinance Index

99 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Franklin Township, Councilmanic District 23, 6920 East Stop 11 Road
(approximate address) (2002-ZON-067)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 394, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 689

ADOPTED 08/05/2002

100 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 6, 5000 North Keystone Avenue
(approximate address) (2002-ZON-071)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 395, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 689

ADOPTED 08/05/2002

101 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 24, 3639 South Keystone Avenue
(approximate address) (2002-ZON-076)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 396, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 689

ADOPTED 08/05/2002

102 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 16, 411 South West Street (approximate
address) (2002-ZON-088)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 397, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 689

ADOPTED 08/05/2002

103 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Franklin Township, Councilmanic District 23, 8400 and 8600 East Thompson
Road (approximate addresses) (2002-ZON-817)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 427, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 714

ADOPTED 08/26/2002

104 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 24, 5090 McFarland Road and 2700 East
Fairfax Road (approximate address) (2002-ZON-825)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 428, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 715

ADOPTED 08/26/2002

105 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 632 and 636 North East Street
(approximate address) (2002-ZON-083)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 429, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 715

ADOPTED 08/26/2002

2002 Rezoning Ordinance Index

106 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 12, 3650 North Franklin Road
(approximate address) (2002-ZON-084)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 430, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 715

ADOPTED 08/26/2002

107 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Franklin Township, Councilmanic District 23, 6735 East Thompson Road
(approximate address) (2002-ZON-090)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 431, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 715

ADOPTED 08/26/2002

108 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 5, 4002 Carroll Road (approximate
address) (2002-ZON-094)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 432, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 715

ADOPTED 08/26/2002

109 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Franklin Township, Councilmanic District 23, 7830 East Edgewood Avenue
(approximate address) (2002-ZON-829)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 433, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 715

ADOPTED 08/26/2002

110 SPONSORED BY: Councillor Smith

DIGEST: proposes to rezone 120.56 acres at 1419 Bade Road in Warren Township, Councilmanic District 13, being
in the D-A (FW)(FF) District, to the D-2 (FW)(FF) classification to provide for a single-family residential
development (2002-ZON-005)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 371, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 716

ADOPTED 08/26/2002

111 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Franklin Township, Councilmanic District 23, 3920 and 3928 South Post Road
(approximate address) (2002-ZON-164)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 467, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 785

ADOPTED 09/16/2002

112 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 4, 5500 East 65th Street
(approximate address) (2002-ZON-109) (Amended)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 468, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 785

ADOPTED 09/16/2002

2002 Rezoning Ordinance Index

113 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 25, 42 West Edwards Avenue
(approximate address) (2002-ZON-103)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 469, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 785

ADOPTED 09/16/2002

114 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 24, 1130 East Epler Avenue (approximate
address) (2002-ZON-105)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 470, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 785

ADOPTED 09/16/2002

115 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 4, 7460 North Shadeland Avenue
(approximate address) (2002-ZON-106)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 471, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 785

ADOPTED 09/16/2002

116 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Franklin Township, Councilmanic District 23, 5160 East Southport Road
(approximate address) (2002-ZON-092)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 472, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 785

ADOPTED 09/16/2002

117 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 3, 9431 Haver Way (approximate
address) (2002-ZON-095)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 473, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 786

ADOPTED 09/16/2002

118 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 13, 100 South Edmondson Avenue
(approximate address) (2002-ZON-098)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 474, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 786

ADOPTED 09/16/2002

119 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 20, 1720 Gilbert Avenue (approximate
address) (2002-ZON-101)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 475, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 786

ADOPTED 09/16/2002

2002 Rezoning Ordinance Index

120 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 1500, 1614, 1615, 1616, 1622, 1624, and 1626 Sheldon Street (approximate addresses) (2002-ZON-107)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 476, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 786

ADOPTED 09/16/2002

121 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 15, 1317 Columbia Avenue (approximate address) (2002-ZON-109) (Amended)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 477, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 786

ADOPTED 09/16/2002

122 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 153 Fall Creek Parkway South Drive (approximate address) (2002-ZON-111)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 478, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 786

ADOPTED 09/16/2002

123 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 7, 2925 East 71st Street (approximate address) (2002-ZON-112)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 479, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 786

ADOPTED 09/16/2002

124 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Franklin Township, Councilmanic District 23, 7820 Acton Road (approximate address) (2002-ZON-116)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 480, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 786

ADOPTED 09/16/2002

125 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 7, 6720 Spirit Lake Drive (approximate address) (2002-ZON-823) (2002-DP-005)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 481, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 787

ADOPTED 09/16/2002

126 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Wayne Township, Councilmanic District 19, 5550 Bradbury Street (approximate address) (2002-ZON-835)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 482, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 787

ADOPTED 09/16/2002

2002 Rezoning Ordinance Index

127 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 24, 1701, 1717 and 1819 Main Street and 14 and 18 South 17th Avenue (approximate addresses), City of Beech Grove (2002-ZON-060A)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 513, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 962

ADOPTED 10/07/2002

128 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 24, 1717 and 1819 Main Street and 14 and 18 South 17th Avenue (approximate addresses), City of Beech Grove (2002-ZON-060B)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 514, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 962

ADOPTED 10/07/2002

129 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington and Center Townships, Councilmanic District 11, 2512 and 2600 East 38th Street (approximate addresses) (2002-ZON-102)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 515, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 962

ADOPTED 10/07/2002

130 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Wayne Township, Councilmanic District 19; 9251, 9249, 9229, and 9215 Rockville Road, and 59, 75, 85, and 153 South Raceway Road (approximate addresses) (2002-ZON-039)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 516, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 962

ADOPTED 10/07/2002

131 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 24, 3901 Shelbyville Road (approximate address) (2002-ZON-099) (2002-DP-008)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 517, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 962

ADOPTED 10/07/2002

132 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 2835 North Illinois Street (approximate address) (2002-ZON-120)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 518, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 963

ADOPTED 10/07/2002

133 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 5, 11960 East 62nd Street (approximate address), City of Lawrence (2002-ZON-127)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 519, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 963

ADOPTED 10/07/2002

2002 Rezoning Ordinance Index

134 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 5, 5050 North Post Road (approximate address), City of Lawrence (2002-ZON-129)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 520, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 963

ADOPTED 10/07/2002

135 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Franklin Township, Councilmanic District 23, 8020 Acton Road (approximate address) (2002-ZON-085) (2002-DP-006)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 521, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 963

ADOPTED 10/07/2002

136 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 9, 900 West 30th Street (approximate address) (2002-ZON-091)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 542, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 999

ADOPTED 10/28/2002

137 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 3, 8611, 8621, 8625, 8633, and 8651 North Meridian Street (approximate addresses) (2002-ZON-093) (2002-DP-007)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 543, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 999

ADOPTED 10/28/2002

138 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Wayne Township, Councilmanic District 16, 3000 West Washington Street (approximate address) (2002-ZON-125)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 544, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 999

ADOPTED 10/28/2002

139 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 10, 3402 North Arlington Avenue (approximate address) (2002-ZON-130)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 545, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 999

ADOPTED 10/28/2002

140 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Pike Township, Councilmanic District 1, 4630 West 71st Street (approximate address) (2002-ZON-131)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 546, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 999

ADOPTED 10/28/2002

2002 Rezoning Ordinance Index

141 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 12, 2304 North Cumberland Road
(approximate address) (2002-ZON-077)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 547, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 999

ADOPTED 10/28/2002

142 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 12, 2304 North Cumberland Road
(approximate address) (2002-ZON-078)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 548, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 999

ADOPTED 10/28/2002

143 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 3, 8727, 8737, and 8747 Holliday
Drive (approximate addresses) (2002-ZON-832) (Amended)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 549, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1000

ADOPTED 10/28/2002

144 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Franklin Township, Councilmanic District 23, 9555 East Edgewood Avenue
(approximate address) (2002-ZON-115) (2002-DP-010)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 550, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1000

ADOPTED 10/28/2002

145 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Pike Township, Councilmanic District 2, 3444 West 71st Street (approximate
address) (2002-ZON-097)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 551, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1000

ADOPTED 10/28/2002

146 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 14, 10023 East 42nd Street
(approximate address) (2002-ZON-104)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 552, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1000

ADOPTED 10/28/2002

147 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 4, 6212 Parliament Drive
(approximate address) (2002-ZON-121)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 553, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1000

ADOPTED 10/28/2002

2002 Rezoning Ordinance Index

148 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 13, 5536 Brookville Road (approximate address) (2002-ZON-134)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 554, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1000

ADOPTED 10/28/2002

149 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Wayne Township, Councilmanic District 8, 5302, 5310, and 5328 West 10th Street (approximate addresses) (2002-ZON-135)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 555, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1000

ADOPTED 10/28/2002

150 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 5, 9901 Fall Creek Road (approximate address) (2001-ZON-041)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 569, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1052

ADOPTED 11/11/2002

151 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 5, 10702 East 25th Street (approximate address) (2002-ZON-110)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 581, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1079

ADOPTED 11/25/2002

152 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Lawrence Township, Councilmanic District 5, 7171 North Oaklandon Road (approximate address), City of Lawrence (2002-ZON-126)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 582, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1080

ADOPTED 11/25/2002

153 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Decatur Township, Councilmanic District 19, 4459 Mann Road (approximate address) (2002-ZON-128)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 583, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1080

ADOPTED 11/25/2002

154 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 10, 2311 North Temple Avenue (approximate address) (2002-ZON-837)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 584, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1080

ADOPTED 11/25/2002

2002 Rezoning Ordinance Index

155 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 5, 2415 and 2425 Mitthoefer Road (approximate address) (2002-ZON-132)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 586, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1080

ADOPTED 11/25/2002

156 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Pike Township, Councilmanic District 1, 6910 Network Place (approximate address) (2002-ZON-141)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 587, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1080

ADOPTED 11/25/2002

157 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Perry Township, Councilmanic District 25, 50 East Thompson Road (approximate address) (2002-ZON-013)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 588, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1080

ADOPTED 11/25/2002

158 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 2505 and 2513 North Talbott Street (approximate address) (2002-ZON-137)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 589, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1080

ADOPTED 11/25/2002

159 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 120-134 West 21st Street (approximate addresses) (2002-ZON-840)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 590, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1080

ADOPTED 11/25/2002

160 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 22, 1926 N. New Jersey (approximate address) (2002-ZON-170)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 624, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1123

ADOPTED 12/16/2002

161 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 16, 802-846 Dr. Martin Luther King Jr. Street (approximate addresses) (2002-ZON-069)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 625, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1123

ADOPTED 12/16/2002

2002 Rezoning Ordinance Index

162 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 16, 802-846 Dr. Martin Luther King Jr. Street (approximate addresses) (2002-ZON-124)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 626, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1123

ADOPTED 12/16/2002

163 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Warren Township, Councilmanic District 12, 2301 North German Church Road (approximate address) (2002-ZON-142) (2002-DP-016)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 627, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1124

ADOPTED 12/16/2002

164 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Wayne Township, Councilmanic District 16, 2008, 2010, 2012, 2014, 2016, 2024, 2028, 2030, 2044, 2046, 2050, and 2052 North Luett Avenue (approximate addresses) (2002-ZON-146)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 628, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1124

ADOPTED 12/16/2002

165 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Center Township, Councilmanic District 9, 300, 400, 412, and 468 West Fall Creek Boulevard, 427 West 23rd Street, 2253, 2257, 2261, 2265, 2271, 2275, 2277, 2281, 2285, and 2289 Indianapolis Avenue, and 2276, 2278, 2286, 2288, and 2292 Paris Avenue (approximate addresses) (2002-ZON-149)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 629, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1124

ADOPTED 12/16/2002

166 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Washington Township, Councilmanic District 6, 27 and 35 East 39th Street (approximate addresses) (2002-ZON-841)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 630, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1124

ADOPTED 12/16/2002

167 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Franklin Township, Councilmanic District 23, 7527 East Stop 11 Road (approximate address) (2002-ZON-133) (2002-DP-014)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 631, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE: 1124

ADOPTED 12/16/2002

168 SPONSORED BY: Councillor Smith

DIGEST: rezoning ordinance for Pike Township, Councilmanic District 1, 5665 Eden Village Drive (approximate address) (2002-ZON-072)

REFERRED TO: Committee of the Whole Council

PROPOSAL NO. 632, 2002

APPROVED BY MAYOR: Not Req.

JOURNAL PAGE:

ADOPTED 12/16/2002

2002 Police Special Service District Fiscal Ordinance Index

1 SPONSORED BY: Councillors Dowden, Moriarty Adams

DIGEST: approves an appropriation of \$2,849,006 in the 2002 Budget of the Department of Public Safety, Police Division (Police General Fund) to restore budget cuts made by the State Board of Tax Commissioners because the budget passed by City-County Council in September 2001 exceeded the amount advertised by the City, financed by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 5, 2002

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 387

ADOPTED 01/28/2002

2 SPONSORED BY: Councillors Dowden, Moriarty Adams, Smith, Soards, Talley

DIGEST: approves a re-appropriation of \$1,411,603 in the 2002 Budget of the Department of Public Safety, Police Division (Federal Grants and Police General Funds) for a variety of community policing initiatives, youth programs, and law enforcement equipment, financed by federal and local grants

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 267, 2002

APPROVED BY MAYOR: 07/05/2002

JOURNAL PAGE: 632

ADOPTED 06/24/2002

3 SPONSORED BY: Councillors Dowden, Boyd, Moriarty Adams

DIGEST: the annual budget for the Police Special Service District for 2003

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 398, 2002

APPROVED BY MAYOR: 09/27/2002

JOURNAL PAGE: 931

ADOPTED 09/16/2002

4 SPONSORED BY: Councillors Dowden, Moriarty Adams

DIGEST: approves an appropriation of \$974,726 in the 2002 Budget of the Department of Public Safety, Police Division (Non-Lapsing Federal Grants and Federal Grants Funds) to support police relationships in the Eagledale neighborhood; to fund two civilian full-time positions within IPD's Victim Assistance Unit; to participate in the "Creating a Culture of Integrity Initiative - Use of Force Policy and Training"; to purchase a wireless hub system for connection to the IPD network, in-car video cameras for the Drug Interdiction Unit, and laptop computers for Academy recruit training; to fund the Domestic Violence Network Navigational Hub; and to fund the "Healthy Reasons to Say No," financed by federal grants

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 528, 2002

APPROVED BY MAYOR: 11/22/2002

JOURNAL PAGE: 1069

ADOPTED 11/11/2002

5 SPONSORED BY: Councillors Dowden, Moriarty Adams, Talley

DIGEST: approves an appropriation of \$300,000 in the 2002 Budget of the Department of Public Safety, Police Division (Police General Fund) to pay increased costs of health insurance benefits for active and retired sworn officers and civilian employees, financed by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 573, 2002

APPROVED BY MAYOR: 12/24/2002

JOURNAL PAGE: 1138

ADOPTED 12/16/2002

2002 Fire Special Service District Fiscal Ordinance Index

1 SPONSORED BY: Councillors Dowden, Moriarty Adams

DIGEST: approves an appropriation of \$2,366,905 in the 2002 Budget of the Department of Public Safety, Fire Division (Fire General Fund) to restore budget cuts made by the State Board of Tax Commissioners because the budget passed by City-County Council in September 2001 exceeded the amount advertised by the City, financed by fund balances

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 6, 2002

APPROVED BY MAYOR: 02/08/2002

JOURNAL PAGE: 388

ADOPTED 01/28/2002

2 SPONSORED BY: Councillors Dowden, Moriarty Adams

DIGEST: approves an appropriation of \$70,942 in the 2002 Budget of the Department of Public Safety, Fire Division (Federal Grants Fund) for fire safety programs through Survive Alive, financed by a federal grant (Federal Emergency Management Agency) (Local match of \$30,403 is funded by existing appropriations in the Department of Public Safety, Fire Division's 2002 Budget.)

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 90, 2002

APPROVED BY MAYOR: 03/28/2002

JOURNAL PAGE: 462

ADOPTED 03/18/2002

3 SPONSORED BY: Councillors Dowden, Moriarty Adams

DIGEST: approves a re-appropriation of \$42,575 in the 2002 Budget of the Department of Public Safety, Fire Division (Federal Grants Fund) to manage the FEMA Urban Search and Rescue Task Force - 1, funded by a federal grant

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 115, 2002

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 493

ADOPTED 04/08/2002

4 SPONSORED BY: Councillors Dowden, Boyd, Moriarty Adams

DIGEST: the annual budget for the Fire Special Service District for 2003

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 399, 2002

APPROVED BY MAYOR: 09/27/2002

JOURNAL PAGE: 939

ADOPTED 09/16/2002

5 SPONSORED BY: Councillors Dowden, Moriarty Adams

DIGEST: approves an increase of \$2,500 in the 2002 Budget of the Department of Public Safety, Fire Division (Non-Lapsing Federal Grants Fund) to support the Permanent Fitting Stations (PFS) project at IFD Station #30, a program to educate citizens on the proper installation and use of carseats, financed by a federal grant

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 496, 2002

APPROVED BY MAYOR: 11/08/2002

JOURNAL PAGE: 1041

ADOPTED 10/28/2002

6 SPONSORED BY: Councillors Dowden, Moriarty Adams

DIGEST: approves an increase of \$491,230 in the 2002 Budget of the Department of Public Safety, Fire Division (Non-Lapsing Federal Grants Fund) to purchase new fitness equipment, to train nine firefighters for a peer fitness program for mentoring local firefighters, and to deliver the FitKids program to area schools, financed by a federal grant (Federal Emergency Management Agency) (Matching funds of \$210,257 have been appropriated in the Department of Public Safety, Fire Division's 2003 budget)

REFERRED TO: Public Safety and Criminal Justice Committee

PROPOSAL NO. 529, 2002

APPROVED BY MAYOR: 11/22/2002

JOURNAL PAGE: 1071

ADOPTED 11/11/2002

2002 Solid Waste Collection Special Service District Fiscal Ordinance Index

1 SPONSORED BY: Councillors Coughenour, Moriarty Adams

DIGEST: approves an appropriation of \$258,000 in the 2002 Budget of the Department of Public Works, Operations Division (Solid Waste Collection Service District Fund) to pay for 2001 expenses as well as anticipated 2002 expenses for temporary labor services, financed by fund balances

REFERRED TO: Public Works Committee

PROPOSAL NO. 120, 2002

APPROVED BY MAYOR: 04/19/2002

JOURNAL PAGE: 495

ADOPTED 04/08/2002

2 SPONSORED BY: Councillors Coughenour, Boyd, Moriarty Adams

DIGEST: the annual budget for the Solid Waste Collection Special Service District for 2003

REFERRED TO: Public Works Committee

PROPOSAL NO. 400, 2002

APPROVED BY MAYOR: 09/27/2002

JOURNAL PAGE: 944

ADOPTED 09/16/2002

